

February 22, 2005

STATUTORY PROVISIONS

An act to amend Section 11552 of, to add Article 14 (commencing with Section 12838) to Chapter 1 of Part 2.5 of Division 3 of Title 2 of, and to repeal Sections 11560, 11563.1, 12811, and 12811.1 of, the Government Code, and to amend Sections 2800, 2802, 2803, 2804, 2806, 2807, 2808, 2809, 2810, 2810.5, 2811, 2815, 2816, 3041, 3041.1, 5000, 5001, 5003.5, 5050, 5052, 5054, 5055, 5057, 5067, 5075, 5076.1, 6024, 6025, 6026, 6030, 6050, 7518, 13600, 13601, 13602, 13603, 13810, and 14204 of, to amend the headings of Chapter 1 (commencing with Section 5000), Chapter 2 (commencing with Section 5050), Chapter 3 (commencing with Section 5075), Chapter 4 (commencing with Section 6001), and Chapter 5 (commencing with Section 6024) of Title 7 of Part 3 of, and to amend the heading of Title 4.5 (commencing with Section 13600) of Part 4, of, and to add Sections 5075.1, 5075.6, and 5075.7 to, and to repeal Sections 2036, 2038, 2043.3, 2045.3, 2046.3, 2048.3, 2048.7, 5051, 5051.5, 5053, 5082, 6001, 6003, and 6004 of, and to repeal Article 3 (commencing with Section 2400) of Chapter 2 of Title 1 of Part 3 of, the Penal Code, and to amend Sections 1000, 1703, 1710, 1711, 1712, 1713, 1714, 1716, 1719, 1720, 1723, 1725, 1766, 1798, 3150, 3151, 3158, 3300, and 3309 of, and to repeal Sections 1717, 1718, 1721, 1722, 1798.5, and 3157 of, the Welfare and Institutions Code, relating to reorganizing the Youth and Adult Correctional Agency.

LEGISLATIVE COUNSEL'S DIGEST

Governor's Reorganization Plan No.1 of 2005
Corrections.

Existing law establishes the Youth and Adult Correctional Agency, which consists of the Department of Corrections, the Department of the Youth Authority, the Board of Prison Terms, the Board of Corrections, the Youth Authority Board, and the Narcotic Addict Evaluation Authority.

This measure would, as of July 1, 2005, abolish those departments and boards, and instead create the Department of Corrections and Rehabilitation, which would consist of the Division of Adult Operations, the Division of Youth Operations, the Corrections Standards Authority, and the Board of Parole Hearings. The department would be headed by the Secretary of the Department of Corrections and Rehabilitation, who would be appointed by, and hold office at the pleasure of, the Governor, subject to confirmation by the Senate. The measure would authorize the Governor to appoint 2 subordinate officers for the secretary. The measure would also require the Governor to appoint 2 additional subordinate officers, who would be known as the Chief Administrative Officer of the Department of Corrections and Rehabilitation, Division of Adult Operations, and the Chief Administrative Officer of the Department of Corrections and Rehabilitation, Division of Youth Operations.

The measure would vest the new department with all the powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the Youth and Adult Correctional Agency, the Department of Corrections, the Department of the Youth Authority, the Commission on Correctional Peace Officer Standards and Training, the Board of Corrections, and the State Commission on Juvenile Justice, Crime and Delinquency Prevention. The measure would maintain the existing functions, powers, responsibilities, and jurisdiction of the Council on Mentally Ill Offenders, Prison Industry Authority, Prison Industry Authority Board, California Council for Interstate Adult Offender Supervision, and the Joint Venture Policy Advisory Board under the new department.

Under existing law, the Board of Prison Terms is comprised of 9 members, appointed by the Governor, with the advice and consent of the Senate, each for a term of 4 years and until the appointment of a successor.

Under this measure, the Board of Parole Hearings would be comprised of 17 commissioners, appointed by the Governor, subject to Senate confirmation, for 3-year terms. The board would be vested with all of the powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the Board of Prison Terms, the Narcotic Addict Evaluation Authority, and the Youth Authority Board. This measure would revise provisions relating to hearings by the board.

Under existing law, the Board of Corrections is comprised of 15 members.

Under this measure, the Corrections Standards Authority would be comprised of 17 members. The measure would vest the new authority with all of the duties, functions, and responsibilities of the Board of Corrections and the Commission on Correctional Peace Officer Standards and Training.

The measure would make other related changes to implement the creation of the new department.

- 1 SECTION 1. Section 11552 of the Government Code is
- 2 amended to read:
- 3 11552. Effective January 1, 1988, an annual salary of
- 4 eighty-five thousand four hundred two dollars (\$85,402) shall be
- 5 paid to each of the following:
- 6 (a) Commissioner of Financial Institutions.
- 7 (b) Commissioner of Corporations.
- 8 (c) Insurance Commissioner.
- 9 (d) Director of Transportation.
- 10 (e) Real Estate Commissioner.
- 11 (f) Director of Social Services.
- 12 (g) Director of Water Resources.
- 13 (h) ~~Director of Corrections~~ *Chief Administrative Officer of the*
- 14 *Department of Corrections and Rehabilitation, Division of Adult*
- 15 *Operations.*
- 16 (i) Director of General Services.
- 17 (j) Director of Motor Vehicles.
- 18 (k) ~~Director of the Youth Authority~~ *Chief Administrative*
- 19 *Officer of the Department of Corrections and Rehabilitation,*
- 20 *Division of Youth Operations.*
- 21 (l) Executive Officer of the Franchise Tax Board.
- 22 (m) Director of Employment Development.
- 23 (n) Director of Alcoholic Beverage Control.

- 1 (o) Director of Housing and Community Development.
2 (p) Director of Alcohol and Drug Abuse.
3 (q) Director of the Office of Statewide Health Planning and
4 Development.
5 (r) Director of the Department of Personnel Administration.
6 (s) Chairperson and Member of the Board of Equalization.
7 (t) Secretary of Technology, Trade, and Commerce.
8 (u) State Director of Health Services.
9 (v) Director of Mental Health.
10 (w) Director of Developmental Services.
11 (x) State Public Defender.
12 (y) Director of the California State Lottery.
13 (z) Director of Fish and Game.
14 (aa) Director of Parks and Recreation.
15 (ab) Director of Rehabilitation.
16 (ac) Director of Veterans Affairs.
17 (ad) Director of Consumer Affairs.
18 (ae) Director of Forestry and Fire Protection.
19 (af) The Inspector General pursuant to Section 6125 of the
20 Penal Code.
21 (ag) Director of Child Support Services.
22 (ah) Director of Industrial Relations.

23 The annual compensation provided by this section shall be
24 increased in any fiscal year in which a general salary increase is
25 provided for state employees. The amount of the increase
26 provided by this section shall be comparable to, but shall not
27 exceed, the percentage of the general salary increases provided
28 for state employees during that fiscal year.

29 SEC. 2. Section 11560 of the Government Code is repealed.

30 ~~11560. Effective January 1, 1988, an annual salary of~~
31 ~~thirty-four thousand five hundred thirty-seven dollars (\$34,537)~~
32 ~~shall be paid to the Chairperson of the Narcotic Addict~~
33 ~~Evaluation Authority.~~

34 ~~The annual compensation provided by this section shall be~~
35 ~~increased in any fiscal year in which a general salary increase is~~
36 ~~provided for state employees. The amount of the increase~~
37 ~~provided by this section shall be comparable to, but shall not~~
38 ~~exceed, the percentage of the general salary increases provided~~
39 ~~for state employees during that fiscal year.~~

40 SEC. 3. Section 11563.1 of the Government Code is repealed.

1 ~~11563.1. Effective January 1, 1988, an annual salary of thirty~~
2 ~~thousand one hundred forty-one dollars (\$30,141) shall be paid to~~
3 ~~each member of the Narcotic Addict Evaluation Authority.~~

4 ~~The annual compensation provided by this section shall be~~
5 ~~increased in any fiscal year in which a general salary increase is~~
6 ~~provided for state employees. The amount of the increase~~
7 ~~provided by this section shall be comparable to, but shall not~~
8 ~~exceed, the percentage of the general salary increases provided~~
9 ~~for state employees during that fiscal year.~~

10 SEC. 4. Section 12811 of the Government Code is repealed.

11 ~~12811. The Youth and Adult Correctional Agency consists of~~
12 ~~the Department of Corrections, the Department of the Youth~~
13 ~~Authority, the Board of Prison Terms, the Youthful Offender~~
14 ~~Parole Board, the Board of Corrections, and the Narcotic Addict~~
15 ~~Evaluation Authority.~~

16 SEC. 5. Section 12811.1 of the Government Code is repealed.

17 ~~12811.1. The Governor, upon recommendation of the~~
18 ~~Secretary of the Youth and Adult Correctional Agency, may~~
19 ~~appoint not to exceed two deputies for the secretary.~~

20 SEC. 6. Article 14 (commencing with Section 12838) is
21 added to Chapter 1 of Part 2.5 of Division 3 of Title 2 of the
22 Government Code, to read:

23
24 Article 14. Department of Corrections and Rehabilitation
25

26 12838. (a) There is hereby created in state government the
27 Department of Corrections and Rehabilitation, to be headed by a
28 secretary, who shall be appointed by, and hold office at the
29 pleasure of, the Governor, subject to Senate confirmation. The
30 Department of Corrections and Rehabilitation shall consist of the
31 Division of Youth Operations, the Division of Adult Operations,
32 the Corrections Standards Authority, and the Board of Parole
33 Hearings.

34 (b) The Governor, upon recommendation of the secretary, may
35 appoint no more than two subordinate officers for the secretary,
36 in addition to those authorized by Section 12838.1.

37 12838.1. There is hereby created within the Department of
38 Corrections and Rehabilitation, the Division of Youth Operations
39 and the Division of Adult Operations. Each division shall be
40 headed by a subordinate officer to the secretary, who shall, upon

1 recommendation of the secretary, be appointed by the Governor,
2 and hold office at the pleasure of the Governor, subject to Senate
3 confirmation.

4 12838.2. The Board of Parole Hearings is hereby created. The
5 Board of Parole Hearings shall be comprised of 17
6 commissioners, who shall be appointed by the Governor, subject
7 to Senate confirmation, for three-year terms. The Board of Parole
8 Hearings hereby succeeds to, and is vested with, all the powers,
9 duties, responsibilities, obligations, liabilities, and jurisdiction of
10 the following entities, which shall no longer exist: Board of
11 Prison Terms, Narcotic Addict Evaluation Authority, and
12 Youthful Offender Parole Board. For purposes of this article, the
13 above entities shall be known as “predecessor entities.”

14 12838.3. The Department of Corrections and Rehabilitation
15 hereby succeeds to, and is vested with, all the powers, duties,
16 responsibilities, obligations, liabilities, and jurisdiction of the
17 following entities, which shall no longer exist: Youth and Adult
18 Correctional Agency, Department of Corrections, Department of
19 the Youth Authority, Commission on Correctional Peace Officer
20 Standards and Training, Board of Corrections, and State
21 Commission on Juvenile Justice, Crime and Delinquency
22 Prevention. For purposes of this article, the above entities shall
23 be known as “predecessor entities.”

24 12838.4. The following entities shall be continued in
25 existence within the Department of Corrections and
26 Rehabilitation and shall retain existing functions, powers,
27 responsibilities, and jurisdiction: Council on Mentally Ill
28 Offenders, Prison Industry Authority, Prison Industry Authority
29 Board, California Council for Interstate Adult Offender
30 Supervision, and the Joint Venture Policy Advisory Board. For
31 purposes of this article, these shall be known as “continuing
32 entities.”

33 12838.5. (a) The Secretary of the Department of Corrections
34 and Rehabilitation shall serve as the Chief Executive Officer of
35 the Department of Corrections and Rehabilitation and shall have
36 all of the powers and authority which are conferred upon a head
37 of a state department by Chapter 2 (commencing with Section
38 11150) of Part 1 of Division 3 of Title 2 of the Government
39 Code.

1 (b) Without limiting any other powers or duties, the secretary
2 shall assure compliance with the terms of any state plan,
3 memorandums of understanding, administrative order,
4 interagency agreements, assurances, single state agency
5 obligations, federal statute and regulations, and any other form of
6 agreement or obligation that vital government activities rely
7 upon, or are a condition to, the continued receipt by the
8 department of state or federal funds or services. This includes,
9 but is not limited to, the designation, appointment, and provision
10 of individuals, groups, and resources to fulfill specific
11 obligations of any agency, board, or department that is abolished
12 pursuant to Section 12838.2 or 12838.3.

13 12838.6. All regulations adopted by the predecessor entities,
14 continuing entities, and any of their predecessors are expressly
15 continued in force. Any statute, law, rule, or regulation now in
16 force, or that may hereafter be enacted or adopted with reference
17 to the predecessor entities and any of their predecessors shall
18 mean the Department of Corrections and Rehabilitation. Any
19 action concerning these duties, responsibilities, obligations,
20 liabilities, and functions shall not abate but shall continue in the
21 name of the Department of Corrections and Rehabilitation, and
22 the Department of Corrections and Rehabilitation shall be
23 substituted for the predecessor entities and continuing entities by
24 the court wherein the action is pending. The substitution shall not
25 affect the rights of the parties to the action.

26 12838.7. No contract, lease, license, or any other agreement to
27 which the predecessor entities, continuing entities, and any of
28 their predecessors are a party shall be void or voidable by reason
29 of this measure, but shall continue in full force and effect, with
30 the Department of Corrections and Rehabilitation assuming all of
31 the rights, obligations, and duties of the predecessor entities. That
32 assumption by the Department of Corrections and Rehabilitation
33 shall not in any way affect the rights of the parties to the contract,
34 lease, license, or agreement. Bonds issued by the predecessor
35 entities, continuing entities, and any of their predecessors on or
36 before July 1, 2005, shall become the indebtedness of any newly
37 created entity. Any ongoing obligations or responsibilities of the
38 predecessor entities, continuing entities, and any of their
39 predecessors for managing and maintaining bond issuances shall

1 be transferred to the newly created entity without impairment to
2 any security contained in the bond instrument.

3 12838.8. On and after July 1, 2005, the unencumbered
4 balance of all money available for expenditure by the predecessor
5 entities, continuing entities, and any of their predecessors in
6 carrying out any functions transferred to the Department of
7 Corrections and Rehabilitation by this measure shall be made
8 available for the support and maintenance of the Department of
9 Corrections and Rehabilitation. All books, documents, records,
10 and property of the predecessor entities shall be transferred to the
11 Department of Corrections and Rehabilitation.

12 12838.9. On and after July 1, 2005, positions filled by
13 appointment by the Governor in the predecessor entities or
14 continuing entities shall be transferred to the Department of
15 Corrections and Rehabilitation. Individuals in positions
16 transferred pursuant to this section shall serve at the pleasure of
17 the Governor, unless as otherwise expressly stated. Titles of
18 positions transferred pursuant to this section shall be determined
19 by the secretary with the approval of the Governor. Salaries of
20 positions transferred shall remain at the level established
21 pursuant to law on June 30, 2005.

22 12838.10. (a) Any officer or employee of the predecessor
23 entities who is engaged in the performance of a function
24 specified in this reorganization plan and who is serving in the
25 state civil service, other than as a temporary employee, shall be
26 transferred to the Department of Corrections and Rehabilitation
27 pursuant to the provisions of Section 19050.9.

28 (b) Any officer or employee of the continuing entities who is
29 engaged in the performance of a function specified in this
30 reorganization plan and who is serving in the state civil service,
31 other than as a temporary employee, shall continue such status
32 with the continuing entity pursuant to the provisions of Section
33 19050.9.

34 (c) The status, position, and rights of any officer or employee
35 of the predecessor entities shall not be affected by the transfer
36 and shall be retained by the person as an officer or employee of
37 the Department of Corrections and Rehabilitation, as the case
38 may be, pursuant to the State Civil Service Act (Part 2
39 (commencing with Section 18500) of Division 5 of Title 2 of the

1 Government Code), except as to a position that is exempt from
2 civil service.

3 12838.11. This article shall become operative as of July 1,
4 2005.

5 SEC. 7. Section 2036 of the Penal Code is repealed.

6 ~~2036. The Deuel Vocational Institution shall be an~~
7 ~~intermediate security-type institution. Its primary purpose shall~~
8 ~~be to provide custody, care, industrial, vocational and other~~
9 ~~training, guidance and reformatory help for young men, too~~
10 ~~mature to be benefited by the programs of institutions under the~~
11 ~~jurisdiction of the Youth Authority and too immature in crime for~~
12 ~~confinement in prisons.~~

13 SEC. 8. Section 2038 of the Penal Code is repealed.

14 ~~2038. The Director of Corrections shall make rules and~~
15 ~~regulations for the government of the Deuel Vocational~~
16 ~~Institution and the management of its affairs.~~

17 SEC. 9. Section 2043.3 of the Penal Code is repealed.

18 ~~2043.3. The Director of Corrections shall make rules and~~
19 ~~regulations for the government of the California Correctional~~
20 ~~Center at Susanville and the management of its affairs.~~

21 SEC. 10. Section 2045.3 of the Penal Code is repealed.

22 ~~2045.3. The Director of Corrections shall make rules and~~
23 ~~regulations for the government of said institution and the~~
24 ~~management of its affairs.~~

25 SEC. 11. Section 2046.3 of the Penal Code is repealed.

26 ~~2046.3. The Director of Corrections shall make rules and~~
27 ~~regulations for the government of the said prison and the~~
28 ~~management of its affairs.~~

29 SEC. 12. Section 2048.3 of the Penal Code is repealed.

30 ~~2048.3. The Director of Corrections shall make rules and~~
31 ~~regulations for the government of the California Correctional~~
32 ~~Institution at Tehachapi and the management of its affairs.~~

33 SEC. 13. Section 2048.7 of the Penal Code is repealed.

34 ~~2048.7. Notwithstanding other provisions of the law, the~~
35 ~~Director of Corrections shall have the authority to modify the~~
36 ~~percentage of the inmate population of the Southern Maximum~~
37 ~~Security Complex to be employed by the Prison Industry~~
38 ~~Authority, or to participate in vocational training commensurate~~
39 ~~with security requirements in relation to the type of inmates~~
40 ~~housed therein, provided that the percentage of the inmate~~

1 population to be employed by the Prison Industry Authority or to
2 participate in vocational training shall be no less than 60 percent
3 of the inmates in the general population. Authority is also vested
4 in the director to utilize up to 100 percent of the cells of the
5 facility to house special cases. The director may also choose to
6 double occupy each cell if systemwide overcrowding demands
7 that measure.

8 The Director of Corrections may implement the provisions of
9 this section only if the encumbrance of those funds is authorized
10 by the Department of Finance, not sooner than 30 days after
11 notification in writing of the necessity therefor, to the chairman
12 of the committee in each house which considers appropriations
13 and the Chairman of the Joint Legislative Budget Committee.

14 SEC. 14. Article 3 (commencing with Section 2400) of
15 Chapter 2 of Title 1 of Part 3 of the Penal Code is repealed.

16 SEC. 15. Section 2800 of the Penal Code is amended to read:

17 2800. *There Commencing July 1, 2005, there is hereby*
18 *established continued in existence within the Department of*
19 *Corrections and Rehabilitation the Prison Industry Authority. As*
20 *used in this article “authority” means the Prison Industry*
21 *Authority. Commencing July 1, 2005, any reference to the*
22 *Department of Corrections shall refer to the Department of*
23 *Corrections and Rehabilitation.*

24 SEC. 16. Section 2802 of the Penal Code is amended to read:

25 2802. ~~The authority shall be under the policy direction of a~~
26 ~~board of directors, to be known as the Prison Industry Board, and~~
27 ~~to be referred to hereafter as the board~~ *Commencing July 1, 2005,*
28 *there is hereby continued in existence within the Department of*
29 *Corrections and Rehabilitation a Prison Industry Board. The*
30 *board shall consist of the following 11 members:*

31 (a) ~~The Director of Corrections shall be a member~~ *Secretary of*
32 *the Department of Corrections and Rehabilitation, or his or her*
33 *designee.*

34 (b) ~~The Director of the Department of General Services, or his~~
35 ~~or her designee, shall be a member.~~

36 (c) ~~The Secretary of Business, Transportation and Housing, or~~
37 ~~his or her designee, shall be a member.~~

38 (d) ~~The Speaker of the Assembly shall appoint two members~~
39 ~~to represent the general public.~~

1 (e) The Senate Committee on Rules shall appoint two
2 members to represent the general public.

3 (f) The Governor shall appoint four members. Of these, two
4 shall be representatives of organized labor, and two shall be
5 representatives of industry. The initial term of one of the
6 members appointed by the Speaker of the Assembly shall be two
7 years, and the initial term of the other shall be three years. The
8 initial term of one of the members appointed by the Senate
9 Committee on Rules shall be two years, and the initial term of the
10 other shall be three years. The initial terms of the four members
11 appointed by the Governor shall be four years. All subsequent
12 terms of all members shall be for four years. Each member's
13 term shall continue until the appointment and qualification of his
14 or her successor.

15 SEC. 17. Section 2803 of the Penal Code is amended to read:

16 2803. The ~~Director of Corrections~~ *Secretary of the*
17 *Department Corrections and Rehabilitation* shall be the
18 ~~chairman~~ *chairperson* of the board. The ~~chairman~~ *chairperson*
19 shall be the administrative head of the board and shall exercise
20 all duties and functions necessary to insure that the
21 responsibilities of the board are successfully discharged. The
22 board shall ~~meet regularly at least four times during each fiscal~~
23 ~~year, and shall hold extra meetings on the call of the chairman~~
24 *chairperson* or a majority of the board. Six members of the
25 board, including the ~~chairman~~ *chairperson*, shall constitute a
26 quorum. The vote of a majority of the members ~~in office serving~~
27 *on the board* is necessary for the transaction of the business of
28 the board.

29 SEC. 18. Section 2804 of the Penal Code is amended to read:

30 2804. The appointed members of the board shall receive a per
31 diem to be determined by the ~~chairman~~ *chairperson*, but not less
32 than the usual per diem rate allowed to the Department of
33 *Corrections and Rehabilitation* employees during travel out of
34 state. All members, including the ~~chairman~~ *chairperson*, shall
35 also receive their actual and necessary expenses of travel
36 incurred in attending meetings of the commission and in making
37 investigations, either as a board or individually as members of
38 the board at the request of the ~~chairman~~ *chairperson*. All the
39 expenses shall be paid from the Prison Industries Revolving
40 Fund.

1 SEC. 19. Section 2806 of the Penal Code is amended to read:

2 2806. There is hereby constituted a permanent revolving fund
3 in the sum of not less than seven hundred thirty thousand dollars
4 (\$730,000), to be known as the Prison Industries Revolving
5 Fund, and to be used to meet the expenses necessary in the
6 purchasing of materials and equipment, salaries, construction and
7 cost of administration of the prison industries program. The fund
8 may also be used to refund deposits either erroneously made or
9 made in cases where delivery of products cannot be
10 consummated. The fund shall at all times contain the amount of
11 at least seven hundred thirty thousand dollars (\$730,000), either
12 in cash or in receivables, consisting of raw materials, finished or
13 unfinished products, inventory at cost, equipment, or any
14 combination of the above. Money received from the rendering of
15 services or the sale of products in the prisons and institutions
16 under the jurisdiction of the ~~board~~ *Department of Corrections*
17 *and Rehabilitation pursuant to this article* shall be paid to the
18 State Treasurer monthly and shall be credited to the fund. At any
19 time that the ~~authority~~ *Secretary of the Department of*
20 *Corrections and Rehabilitation* and the Director of Finance
21 jointly determine that the balance in ~~said~~ *that* revolving fund is
22 greater than is necessary to carry out the purposes of the
23 authority, they shall so inform the Controller and request a
24 transfer of the unneeded balance from the revolving fund to the
25 General Fund of the State of California. The Controller is
26 authorized to transfer balances upon request. Funds deposited in
27 the revolving fund are not subject to annual appropriation by the
28 Legislature and may be used without a time limit by the
29 authority.

30 The Prison Industries Revolving Fund is not subject to the
31 provisions of Articles 2 (commencing with Section 13320) and 3
32 (commencing with Section 13335) of Chapter 3 of Part 3 of
33 Division 3 of Title 2 of the Government Code.

34 ~~The revolving fund created by Section 2714 known as the~~
35 ~~Correctional Industries Revolving Fund is abolished, and the~~
36 ~~Controller shall transfer the balance in that revolving fund to the~~
37 ~~Prison Industries Revolving Fund.~~ Any major capital outlay
38 project undertaken by the authority *pursuant to this article* shall
39 be subject to review by the Public Works Board pursuant to the

1 provisions of Part 10.5 (commencing with Section 15752) of
2 Division 3 of Title 2 of the Government Code.

3 SEC. 20. Section 2807 of the Penal Code is amended to read:

4 2807. (a) The authority is hereby authorized and empowered
5 to operate industrial, agricultural, and service enterprises which
6 will provide products and services needed by the state, or any
7 political subdivision thereof, or by the federal government, or
8 any department, agency, or corporation thereof, or for any other
9 public use. Products may be purchased by state agencies to be
10 offered for sale to inmates of the department and to any other
11 person under the care of the state who resides in state-operated
12 institutional facilities. Fresh meat may be purchased by food
13 service operations in state-owned facilities and sold for onsite
14 consumption.

15 (b) All things authorized to be produced under subdivision (a)
16 shall be purchased by the state, or any agency thereof, and may
17 be purchased by any county, city, district, or political
18 subdivision, or any agency thereof, or by any state agency to
19 offer for sale to persons residing in state-operated institutions, at
20 the prices fixed by the ~~board~~ *Prison Industry Authority*. State
21 agencies shall make maximum utilization of these products, and
22 shall consult with the staff of the authority to develop new
23 products and adapt existing products to meet their needs.

24 SEC. 21. Section 2808 of the Penal Code is amended to read:

25 2808. (a) *Commencing July 1, 2005, the Secretary of the*
26 *Department of Corrections and Rehabilitation shall have the*
27 *authority to contract for the services of a general manager to*
28 *serve as the chief administrative officer of the Prison Industry*
29 *Authority. Alternatively, the secretary may appoint a general*
30 *manager to serve as the chief administrative officer of the Prison*
31 *Industry Authority. The general manager shall either render*
32 *services consistent with the terms of his or her contract or, if*
33 *appointed, serve at the pleasure of the secretary. The general*
34 *manager shall have wide and successful experience with a*
35 *productive enterprise and have a demonstrated appreciation of*
36 *the problems associated with prison management.*

37 (b) ~~The board general manager shall, in the exercise of its~~
38 ~~duties, have all the powers and do all the things which the board~~
39 ~~of directors of a private corporation would do, except as~~
40 ~~specifically limited in this article, including, but not limited to,~~

1 *his or her duties under this article, have the authority to do all of*
2 *the following:*

3 (1) To enter into contracts and leases, execute leases, pledge
4 the equipment, inventory and supplies under the control of the
5 authority and the anticipated future receipts of any enterprise
6 under the jurisdiction of the authority as collateral for loans, and
7 execute other necessary instruments and documents.

8 ~~(b)–~~

9 (2) To assure that all funds received by the authority are kept
10 in commercial accounts according to standard accounting
11 practices.

12 ~~(c)–~~

13 (3) To arrange for an independent annual audit.

14 ~~(d)–~~

15 (4) To review ~~and approve~~ the annual budget for the authority,
16 in order to assure that the solvency of the Prison Industries
17 Revolving Fund is maintained.

18 ~~(e) To contract to employ a general manager to serve as the~~
19 ~~chief administrative officer of the authority. The person so~~
20 ~~appointed shall serve at the pleasure of the chairman. The general~~
21 ~~manager shall have wide and successful experience with a~~
22 ~~productive enterprise and have a demonstrated appreciation of~~
23 ~~the problems associated with prison management.~~

24 ~~(f)–~~

25 (5) To apply for and administer grants ~~and contracts of all~~
26 ~~kinds that are consistent with the purposes of the authority.~~

27 ~~(g)–~~

28 (6) To establish, notwithstanding any other provision of law,
29 procedures governing the purchase of raw materials, component
30 parts, and any other goods and services which may be needed by
31 the authority or in the operation of any enterprise under its
32 jurisdiction. ~~Such~~ Those procedures shall contain provisions for
33 ~~appeal to the board from any action taken in connection with~~
34 ~~them requesting any action taken in connection with the~~
35 ~~procedures to be discussed in a public forum before the Prison~~
36 ~~Industry Board. The board shall assure adequate public notice of~~
37 ~~any forum. The board shall issue a report with findings of fact~~
38 ~~and recommendations as a result of any public forum held~~
39 ~~pursuant to this paragraph.~~

40 ~~(h)–~~

1 (7) To establish, expand, diminish, or discontinue industrial,
2 agricultural and service enterprises under ~~its~~ *the authority's*
3 jurisdiction to enable ~~the authority~~ *it* to operate as a
4 self-supporting ~~organization~~ *enterprise*, to provide as much
5 employment for inmates as is feasible, and to provide diversified
6 work activities to minimize the impact on existing private
7 industry in the state.

8 ~~(i) To hold public hearings pursuant to paragraph (h) above to~~
9 ~~provide an opportunity for persons or organizations who may be~~
10 ~~affected to appear and present testimony concerning the plans~~
11 ~~and activities of the authority. The authority shall assure~~
12 ~~adequate public notice of such hearings. No new industrial,~~
13 ~~agricultural, or service enterprise which involves a gross annual~~
14 ~~production of more than fifty thousand dollars (\$50,000) shall be~~
15 ~~established unless and until a hearing concerning the enterprise~~
16 ~~has been held by a committee of persons designated by the board~~
17 ~~including at least two board members. The board shall take into~~
18 ~~consideration the effect of a proposed enterprise on California~~
19 ~~industry and shall not approve the establishment of the enterprise~~
20 ~~if the board determines it would have a comprehensive and~~
21 ~~substantial adverse impact on California industry which cannot~~
22 ~~be mitigated.~~

23 ~~(j)–~~

24 (8) To periodically determine the prices at which activities,
25 supplies, and services shall be sold.

26 ~~(k)–~~

27 (9) To report to the Legislature in writing, on or before
28 February 1 of each year, regarding:

29 ~~(1)–~~

30 (A) The financial activity and condition of each enterprise
31 under its jurisdiction.

32 ~~(2)–~~

33 (B) The plans of the ~~board~~ *general manager* regarding any
34 significant changes in existing operations.

35 ~~(3)–~~

36 (C) The plans of the ~~board~~ *general manager* regarding the
37 development of new enterprises.

38 ~~(4)–~~

39 (D) A breakdown, by institution, of the number of prisoners at
40 each institution, working in enterprises under the jurisdiction of

1 the authority, said number to indicate the number of prisoners
2 which are not working full time.

3 (c) *The Prison Industry Board shall hold public forums to*
4 *provide an opportunity for persons or organizations who may be*
5 *affected to appear and present testimony concerning the plans*
6 *and activities of the general manager. The board shall assure*
7 *adequate public notice of the forums. No new industrial,*
8 *agricultural, or service enterprise that involves a gross annual*
9 *production of more than fifty thousand dollars (\$50,000) shall be*
10 *established unless and until a public forum concerning the*
11 *enterprise has been held by a committee of persons designated by*
12 *the board, including at least two board members. The board*
13 *shall take into consideration the effect of a proposed enterprise*
14 *on California industry and shall issue a report detailing whether*
15 *or not the establishment of the enterprise would have a*
16 *comprehensive and substantial adverse impact on California*
17 *industry that cannot be mitigated.*

18 SEC. 22. Section 2809 of the Penal Code is amended to read:

19 2809. Notwithstanding any other provision of law,
20 commencing July 1, 2005, the authority may recruit and employ
21 ~~such~~ civilian staff ~~as~~ that may be necessary to carry out the
22 purposes of this article, and shall establish recruiting, testing,
23 hiring, promotion, disciplinary, and dismissal procedures and
24 practices which will meet the unique personnel needs of the
25 authority. The practices may include incentives based on
26 productivity, profit-sharing plans, or other criteria which will
27 encourage civilian employee involvement in the productivity
28 goals of the authority. The procedures and practices shall apply
29 to all employees working in enterprises under the jurisdiction of
30 the authority. ~~The Director of Corrections~~ *general manager* shall
31 be the appointing authority for all personnel of the authority
32 other than the general manager.

33 SEC. 23. Section 2810 of the Penal Code is amended to read:

34 2810. ~~The board~~ *Commencing July 1, 2005, the general*
35 *manager, with the approval of the Department of Finance, may*
36 *authorize the borrowing of money by the authority for purposes*
37 *of any of the following:*

38 (a) Operating the business affairs of the authority.

39 (b) Purchasing new equipment, materials and supplies.

1 (c) Constructing new facilities, or repairing, remodeling, or
2 demolishing old facilities. ~~Funds~~

3 *Funds* may be borrowed from private sources, upon ~~such~~ *those*
4 ~~terms as the board that the Department of Finance~~ *deems*
5 appropriate, including but not limited to, the use of equipment
6 under the jurisdiction of the authority, and of the future income
7 of an enterprise under the jurisdiction of the authority, as
8 collateral to secure any loan.

9 SEC. 24. Section 2810.5 of the Penal Code is amended to
10 read:

11 2810.5. Notwithstanding any other provision of law,
12 *commencing July 1, 2005*, the Pooled Money Investment Board,
13 *or its successor*, may grant loans to the authority when money is
14 appropriated for that purpose by the Legislature, upon application
15 by the ~~Prison Industry Board~~ *Secretary of the Department of*
16 *Corrections and Rehabilitation*, in order to finance the
17 establishment of a new industrial, agricultural, or service
18 enterprise. All loans shall bear the same interest rate as the
19 pooled money market investment rate and shall have a maximum
20 repayment period of 20 years from the date of approval of the
21 loan.

22 Prior to making its decision to grant a loan, the Pooled Money
23 Investment Board, *or its successor*, shall require the authority to
24 demonstrate all of the following:

25 (a) The proposed industry project cannot be feasibly financed
26 from private sources under Section 2810. The authority shall
27 present proposed loan conditions from at least two private
28 sources.

29 (b) The proposed industry project cannot feasibly be financed
30 from proceeds from other Prison Industry Authority enterprises.

31 (c) The proceeds from the proposed project provide for a
32 reasonable payback schedule to the General Fund.

33 SEC. 25. Section 2811 of the Penal Code is amended to read:

34 2811. ~~The board~~ *Commencing July 1, 2005, the general*
35 *manager* shall adopt and maintain a compensation schedule for
36 prisoner employees. ~~Such~~ *That* compensation schedule shall be
37 based on quantity and quality of work performed and shall be
38 required for its performance, but in no event shall ~~such~~ *that*
39 compensation exceed one-half the minimum wage provided in
40 Section 1182 of the Labor Code, except as otherwise provided in

1 this code. This compensation shall be credited to the account of
2 the prisoner.

3 ~~Such~~ Prisoner compensation shall be paid from the Prison
4 Industries Revolving Fund.

5 SEC. 26. Section 2815 of the Penal Code is amended to read:

6 2815. ~~The~~ *Commencing July 1, 2005, the* authority may,
7 under rules prescribed by the ~~board~~ *Secretary of the Department*
8 *of Corrections and Rehabilitation*, dispose of products developed
9 from the operations of industrial enterprises in prisons and
10 institutions under the jurisdiction of the authority by sale to
11 foreign governments, corporations for distribution in foreign
12 countries, and private persons or their agents in markets outside
13 the United States and in countries which permit the importation
14 of prison-made goods. All sales made pursuant to this section
15 shall be reported to the Legislature in the ~~board's~~ *general*
16 *manager's* annual report pursuant to Section 2808.

17 SEC. 27. Section 2816 of the Penal Code is amended to read:

18 2816. With the approval of the Department of Finance, there
19 shall be transferred to, or deposited in, the Prison Industries
20 Revolving Fund for purposes authorized by this section, money
21 appropriated from any source including sources other than state
22 appropriations.

23 Notwithstanding subdivision ~~(i)~~ *(b)* of Section 2808, the
24 ~~chairman, in consultation with the board,~~ *general manager* may
25 order any authorized public works project involving construction,
26 renovation, or repair of prison facilities to be performed by
27 inmate labor when the total expenditure does not exceed the
28 project limit established by Section 10108 of the Public Contract
29 Code. Projects entailing expenditure of greater than the project
30 limit established by Section 10108 of the Public Contract Code
31 shall be reviewed and approved by the ~~board~~ *Secretary of the*
32 *Department of Corrections and Rehabilitation*.

33 Money so transferred or deposited shall be available for
34 expenditure by the department for the purposes for which
35 appropriated, contributed or made available, without regard to
36 fiscal years and irrespective of the provisions of Sections 13340
37 and 16304 of the Government Code. Money transferred or
38 deposited pursuant to this section shall be used only for purposes
39 authorized in this section.

40 SEC. 28. Section 3041 of the Penal Code is amended to read:

3041. (a) In the case of any prisoner sentenced pursuant to any provision of law, other than Chapter 4.5 (commencing with Section 1170) of Title 7 of Part 2, the Board of ~~Prison Terms Parole Hearings~~ shall meet with each inmate during the third year of incarceration for the purposes of reviewing the inmate's file, making recommendations, and documenting activities and conduct pertinent to granting or withholding postconviction credit. One year prior to the inmate's minimum eligible parole release date a panel ~~consisting of at least two commissioners of the Board of Prison Terms~~ *of two or more commissioners or deputy commissioners* shall again meet with the inmate and shall normally set a parole release date as provided in Section 3041.5. ~~The panel shall consist solely of commissioners or deputy commissioners from the Board of Prison Terms. No more than one member of the panel shall be a deputy commissioner. In the event of a tie vote, the matter shall be referred for an en banc hearing by the board.~~ The release date shall be set in a manner that will provide uniform terms for offenses of similar gravity and magnitude in respect to their threat to the public, and that will comply with the sentencing rules that the Judicial Council may issue and any sentencing information relevant to the setting of parole release dates. The board shall establish criteria for the setting of parole release dates and in doing so shall consider the number of victims of the crime for which the prisoner was sentenced and other factors in mitigation or aggravation of the crime. At least one commissioner of the panel shall have been present at the last preceding meeting, unless it is not feasible to do so or where the last preceding meeting was the initial meeting. Any person on the hearing panel may request review of any decision regarding parole ~~to the full board~~ for an en banc hearing *by the board*. In case of a review, a majority vote ~~of the full Board of Prison Terms in favor of parole~~ *is in favor of parole by the board members participating in an en banc hearing* is required to grant parole to any prisoner.

(b) The panel or *the board, sitting en banc*, shall set a release date unless it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses, is such that consideration of the public safety requires a more lengthy period of incarceration for this individual, and that a parole date, therefore, cannot be fixed

1 at this meeting. After the effective date of this subdivision, any
2 decision of the parole panel finding an inmate suitable for parole
3 shall become final within 120 days of the date of the hearing.
4 During that period, the board may review the panel's decision.
5 The panel's decision shall become final pursuant to this
6 subdivision unless the board finds that the panel made an error of
7 law, or that the panel's decision was based on an error of fact, or
8 that new information should be presented to the board, any of
9 which when corrected or considered by the board has a
10 substantial likelihood of resulting in a substantially different
11 decision upon a rehearing. In making this determination, the
12 board shall consult with the commissioners who conducted the
13 parole consideration hearing. No decision of the parole panel
14 shall be disapproved and referred for rehearing except by a
15 majority vote of the board, *sitting en banc*, following a public
16 hearing.

17 (c) For the purpose of reviewing the suitability for parole of
18 those prisoners eligible for parole under prior law at a date earlier
19 than that calculated under Section 1170.2, the board shall appoint
20 panels of at least two persons to meet annually with each prisoner
21 until the time the person is released pursuant to proceedings or
22 reaches the expiration of his or her term as calculated under
23 Section 1170.2.

24 ~~(d) Notwithstanding subdivision (a) and Section 5076.1, on an~~
25 ~~emergency basis, and only until December 31, 2005, life parole~~
26 ~~consideration hearings or life rescission hearings may be~~
27 ~~conducted by two-person panels consisting of at least one~~
28 ~~commissioner. In the event of a tie vote, the matter shall be~~
29 ~~referred to the full board for a decision. It is the intent of the~~
30 ~~Legislature in enacting this subdivision to allow the board to~~
31 ~~increase the number of hearings conducted each month to~~
32 ~~eliminate the backlog of inmates awaiting a parole consideration~~
33 ~~hearing. The board shall report monthly on the number of~~
34 ~~hearings conducted in the previous month, the number scheduled~~
35 ~~in the current and subsequent months, the backlog of cases~~
36 ~~awaiting a hearing, and progress toward eliminating the backlog,~~
37 ~~if any. The report shall be made public at a regularly scheduled~~
38 ~~meeting of the board and a written report shall be made available~~
39 ~~to the public and transmitted to the Legislature quarterly. For~~
40 ~~purposes of this section, an en banc hearing by the board means~~

1 *a hearing conducted by a committee of commissioners selected*
2 *by the chairperson. The committee shall be comprised of a*
3 *majority of commissioners holding office on the date the matter*
4 *is heard by the committee.*

5 SEC. 29. Section 3041.1 of the Penal Code is amended to
6 read:

7 ~~3041.1. Up to 90 days prior to a scheduled parole release date,~~
8 ~~the~~ *The Governor shall have the power to may request review of*
9 *any final decision by a parole authority concerning the grant or*
10 *denial of parole to any prisoner in a state prison during the 90*
11 *days following that final decision, or at least 90 days before a*
12 *scheduled parole release date, whichever is later. The Governor*
13 *shall state the reason or reasons for the request, and whether the*
14 *request is based on a public safety concern, a concern that the*
15 *gravity of current or past convicted offenses may have been*
16 *given inadequate consideration, or on other factors. When a*
17 *request has been made, the full board, sitting en banc, a*
18 *committee, selected by the chairperson of the board and*
19 *comprised of a majority of the commissioners holding office,*
20 *shall review the parole decision. In case of a review, a vote in*
21 *favor of parole by a majority of the current board members*
22 *commissioners on the committee shall be required to grant parole*
23 *to any prisoner. In carrying out any review, the board shall*
24 *comply with the provisions of this chapter.*

25 SEC. 30. The heading of Chapter 1 (commencing with
26 Section 5000) of Title 7 of Part 3 of the Penal Code is amended
27 to read:

28
29 CHAPTER 1. THE DEPARTMENT OF CORRECTIONS AND
30 REHABILITATION
31

32 SEC. 31. Section 5000 of the Penal Code is amended to read:

33 ~~5000. There is in the Youth and Adult Correctional Agency~~
34 ~~the Department of Corrections Commencing July 1, 2005, any~~
35 ~~reference to the Department of Corrections in this or any other~~
36 ~~code refers to the Department of Corrections and Rehabilitation.~~

37 SEC. 32. Section 5001 of the Penal Code is amended to read:

38 ~~5001. The department is composed of the Director of~~
39 ~~Corrections and the Prison Industry Authority (a) Commencing~~
40 ~~July 1, 2005, there is within the Department of Corrections and~~

1 *Rehabilitation a Division of Adult Operations. A subordinate*
2 *officer to the secretary shall be appointed by the Governor,*
3 *subject to Senate confirmation, pursuant to this section to serve*
4 *at the pleasure of the Governor. The subordinate officer shall*
5 *serve as the chief administrative officer of the Department of*
6 *Corrections and Rehabilitation, Division of Adult Operations.*

7 *(b) The Governor may request the State Personnel Board to*
8 *use extensive recruitment and merit selection techniques and*
9 *procedures to provide a list of persons qualified for appointment*
10 *pursuant to subdivision (a). The Governor may appoint any*
11 *person from that list of qualified persons or may reject all names*
12 *and appoint another person who meets the requirements of this*
13 *chapter.*

14 SEC. 33. Section 5003.5 of the Penal Code is amended to
15 read:

16 5003.5. The Board of ~~Prison Terms~~ *Parole Hearings* is
17 empowered to advise and recommend to the ~~Director of~~
18 ~~Corrections~~ *Secretary of the Department of Corrections and*
19 *Rehabilitation* on general and specific policies and procedures
20 relating to the duties and functions of the ~~director~~. The ~~director~~
21 *secretary*. The *secretary* is empowered to advise and recommend
22 to the ~~Board of Prison Terms~~ *board* on matters of general and
23 specific policies and procedures, relating to the duties and
24 functions of the board. The ~~director secretary~~ and the board shall
25 meet for purposes of exchange of information and advice.

26 ~~It is the intention of the Legislature that the Board of Prison~~
27 ~~Terms and the Director of Corrections shall cooperate with each~~
28 ~~other in the establishment of the classification, transfer, and~~
29 ~~discipline policies of the Department of Corrections, to the end~~
30 ~~that the objectives of the State Correctional System can best be~~
31 ~~attained. The director and the Board of Prison Terms shall, not~~
32 ~~less than four times each calendar year, meet for the purpose of~~
33 ~~discussion of classification, transfer, and discipline policies and~~
34 ~~problems and it is the intent of the Legislature that whenever~~
35 ~~possible there shall be agreement on these subjects. But for the~~
36 ~~purpose of maintaining responsibility for the secure and orderly~~
37 ~~administration of the prison system, the Director of Corrections~~
38 ~~shall have the final right to determine the policies on~~
39 ~~classification, transfer and discipline.~~

1 In the event there is no agreement the Board of Prison Terms
2 shall file in writing with the Board of Corrections a statement of
3 its proposals or recommendations to the director, and the director
4 shall answer such statement in writing to the Board of Prison
5 Terms, and a copy of both documents shall be transmitted to the
6 Governor and to the Board of Corrections.

7 SEC. 34. The heading of Chapter 2 (commencing with
8 Section 5050) of Title 7 of Part 3 of the Penal Code is amended
9 to read:

10
11 CHAPTER 2. ~~THE DIRECTOR OF CORRECTIONS~~ SECRETARY OF
12 THE DEPARTMENT OF CORRECTIONS AND REHABILITATION
13

14 SEC. 35. Section 5050 of the Penal Code is amended to read:

15 5050. ~~The Office of Director of Corrections is hereby created~~
16 *Commencing July 1, 2005, any reference to the Director of*
17 *Corrections in this or any other code refers to the Secretary of*
18 *the Department of Corrections and Rehabilitation. As of that*
19 *date, the office of the Director of Corrections is abolished.*

20 SEC. 36. Section 5051 of the Penal Code is repealed.

21 ~~5051. The director shall be appointed by the Governor with~~
22 ~~the advice and consent of the Senate. He or she shall hold office~~
23 ~~at the pleasure of the Governor, but before the director may be~~
24 ~~removed, charges against him or her, which charges may be~~
25 ~~preferred by any person, shall be heard by the Board of~~
26 ~~Corrections. The Board of Corrections shall make detailed~~
27 ~~findings with respect to the charges and submit the findings to~~
28 ~~the Governor. The Governor may, but need not, abide by the~~
29 ~~findings of the Board of Corrections, and may retain or remove~~
30 ~~the director. If the Governor removes the director his or her~~
31 ~~action shall be final. He or she shall receive an annual salary~~
32 ~~provided for by Chapter 6 (commencing with Section 11550) of~~
33 ~~Part 1 of Division 3 of Title 2 of the Government Code, and shall~~
34 ~~devote his or her entire time to the duties of his or her office.~~

35 SEC. 37. Section 5051.5 of the Penal Code is repealed.

36 ~~5051.5. The Governor may request the State Personnel Board~~
37 ~~to use extensive recruitment and merit selection techniques and~~
38 ~~procedures to provide a list of persons qualified for appointment~~
39 ~~as Director of Corrections. The Governor may appoint any~~
40 ~~person from such list of qualified persons or may reject all names~~

1 ~~and appoint another person who meets the requirements of this~~
2 ~~chapter.~~

3 SEC. 38. Section 5052 of the Penal Code is amended to read:

4 5052. ~~The Director of Corrections and any other~~ *Any* officer
5 or employee of the Department of Corrections *and Rehabilitation*
6 designated in writing by the ~~director~~ *secretary*, shall have the
7 power of a head of a department pursuant to Article 2
8 (commencing at Section 11180) of Chapter 2, Part 1, Division 3,
9 Title 2, of the Government Code.

10 SEC. 39. Section 5053 of the Penal Code is repealed.

11 ~~5053. The Director of Corrections is the chief administrative~~
12 ~~officer of the Department of Corrections.~~

13 SEC. 40. Section 5054 of the Penal Code is amended to read:

14 5054. ~~The~~ *Commencing July 1, 2005, the* supervision,
15 management and control of the ~~State~~ *state* prisons, and the
16 responsibility for the care, custody, treatment, training, discipline
17 and employment of persons confined therein are vested in the
18 ~~director~~ *Secretary of the Department of Corrections and*
19 *Rehabilitation.*

20 SEC. 41. Section 5055 of the Penal Code is amended to read:

21 5055. ~~All~~ *Commencing July 1, 2005, all* powers and duties
22 *previously* granted to and imposed upon the Department of
23 Corrections shall be exercised by the ~~Director of Corrections~~
24 *Secretary of the Department of Corrections and Rehabilitation,*
25 except where ~~such~~ *those* powers and duties are expressly vested
26 by law in the Board of ~~Prison Terms~~ *Parole Hearings.*

27 Whenever a power is granted to the ~~Director of Corrections~~
28 *secretary* or a duty is imposed upon the ~~director~~ *secretary*, the
29 power may be exercised or the duty performed by a ~~deputy of the~~
30 ~~director~~ *subordinate officer to the secretary* or by a person
31 authorized pursuant to law by the ~~director~~ *secretary.*

32 SEC. 42. Section 5057 of the Penal Code is amended to read:

33 5057. (a) Subject to the powers of the Department of Finance
34 under Section 13300 of the Government Code, the ~~director~~ *must*
35 *secretary shall* establish an accounting and auditing system for
36 all of the agencies and institutions including the prisons which
37 comprise the department, ~~except the Youth Authority, in such~~
38 ~~form as in whatever form that~~ will best facilitate their operation,
39 and may modify the system from time to time.

1 (b) The accounting and auditing system ~~must~~ *shall* include
2 ~~such those~~ accounts and records ~~as are found~~ *that are* necessary
3 to properly account for all money and property of the ~~prisoners~~
4 ~~and the inmates~~.

5 (c) Except where other disposition is provided by law, all
6 money belonging to the state received by the department, shall be
7 reported to the Controller and deposited in the State Treasury
8 monthly.

9 SEC. 43. Section 5067 of the Penal Code is amended to read:

10 ~~5067. There is, in the Department of Corrections, a~~
11 ~~Correctional Conservation Camp Services Division, which shall~~
12 ~~be headed by a Deputy Director of Corrections, appointed by the~~
13 ~~Governor, on the recommendation of the Director of Corrections~~
14 ~~to serve at the pleasure of the Governor. The division~~
15 ~~Commencing July 1, 2005, the Department of Corrections and~~
16 ~~Rehabilitation shall operate the conservation centers, branches~~
17 ~~thereof, and permanent, temporary and mobile camps operating~~
18 ~~therefrom, and shall have charge, subject to the general direction~~
19 ~~of the Director of Corrections, of all other institutions in the~~
20 ~~department and activities of persons in the custody of the director~~
21 ~~secretary relating to conservation work. The Governor may~~
22 ~~appoint a subordinate officer to the secretary for purposes of~~
23 ~~implementing this section, who shall hold office at the pleasure of~~
24 ~~the Governor. The director secretary shall appoint such any~~
25 ~~additional personnel as that are necessary to enable the division~~
26 ~~department to carry out its the functions described in this section.~~

27 SEC. 44. The heading of Chapter 3 (commencing with
28 Section 5075) of Title 7 of Part 3 of the Penal Code is amended
29 to read:

30
31 CHAPTER 3. THE BOARD OF ~~PRISON TERMS~~ PAROLE HEARINGS
32

33 SEC. 45. Section 5075 of the Penal Code is amended to read:

34 5075. (a) ~~The Board of Prison Terms shall be composed of~~
35 ~~nine commissioners, each of whom shall be appointed by the~~
36 ~~Governor, with the advice and consent of the Senate, for a term~~
37 ~~of four years and until the appointment and qualification of his or~~
38 ~~her successor. Commissioners shall be eligible for reappointment~~
39 ~~Commencing July 1, 2005, there is hereby created the Board of~~
40 ~~Parole Hearings. As of July 1, 2005, any reference to the Board~~

1 of Prison Terms in this or any other code refers to the Board of
2 Parole Hearings. As of that date, the Board of Prison Terms is
3 abolished.

4 (b) The Governor shall appoint 17 commissioners, subject to
5 Senate confirmation, pursuant to this section. The terms of the
6 commissioners shall expire as follows: eight on July 1, 2007, and
7 nine on July 1, 2008. Successor commissioners shall hold office
8 for terms of three years, each term to commence on the
9 expiration date of the predecessor. Any appointment to a vacancy
10 that occurs for any reason other than expiration of the term shall
11 be for the remainder of the unexpired term. Commissioners are
12 eligible for reappointment.

13 ~~(b)~~
14 (c) The chair of the board shall be designated by the Governor
15 ~~from time to time. The chair periodically. The Governor may~~
16 ~~appoint an executive officer of the board, who shall hold office at~~
17 ~~the pleasure of the Governor. The executive officer shall be the~~
18 ~~administrative head of the board and shall exercise all duties and~~
19 ~~functions necessary to insure that the responsibilities of the board~~
20 ~~are successfully discharged. He or she shall be the appointing~~
21 ~~authority for all civil service positions of employment in the~~
22 ~~board. The secretary shall appoint any additional personnel that~~
23 ~~are necessary to enable the board to carry out its functions.~~

24 ~~(e) The terms of the commissioners shall expire as follows:~~
25 ~~two on March 15, 1978, two on March 15, 1979, two on March~~
26 ~~15, 1980, and three on March 15, 1981. Successor commissioners~~
27 ~~shall hold office for terms of four years, each term to commence~~
28 ~~on the expiration date of the term of the predecessor. The~~
29 ~~Governor shall fill every vacancy for the balance of the~~
30 ~~unexpired term. The selection of persons and their appointment~~
31 ~~by the Governor and confirmation by the Senate shall reflect as~~
32 ~~nearly as possible a cross section of the racial, sexual, economic,~~
33 ~~and geographic features of the population of the state.~~

34 ~~It is the further intent of this section that the board shall adopt~~
35 ~~policies and practices as will permit continuing operations and~~
36 ~~improvements without any further increase in the number of its~~
37 ~~commissioners.~~

38 (d) Each commissioner shall participate in hearings on each
39 workday, except when it is necessary for a commissioner to
40 attend training, en banc hearings or full board meetings, or other

1 administrative business requiring the participation of the
2 commissioner. For purposes of this subdivision, these hearings
3 shall include ~~parole documentation hearings, parole consideration~~
4 ~~hearings, parole rescission hearings, and parole progress~~
5 ~~hearings, mentally disordered offender hearings, and sexually~~
6 ~~violent predator hearings.~~

7 SEC. 46. Section 5075.1 is added to the Penal Code, to read:

8 5075.1. The Board of Parole Hearings shall do all of the
9 following:

10 (a) Conduct parole consideration hearings, parole rescission
11 hearings, and parole progress hearings for adults under the
12 jurisdiction of the department.

13 (b) Conduct mentally disordered offender hearings.

14 (c) Conduct sexually violent predator hearings.

15 (d) Review prisoners' requests for reconsideration of denial of
16 good-time credit and setting of parole length or conditions,
17 pursuant to Section 5077.

18 (e) Determine revocation of parole for adult offenders under
19 the jurisdiction of the Division of Adult Operations, pursuant to
20 Section 5077.

21 (f) Carry out the functions described in Section 1719 of the
22 Welfare and Institutions Code, and make every order granting
23 and revoking parole and issuing final discharges to any person
24 under the jurisdiction of the Division of Youth Operations.

25 (g) Conduct studies pursuant to Section 3150 of the Welfare
26 and Institutions Code.

27 (h) Investigate and report on all applications for reprieves,
28 pardons, and commutation of sentence, as provided in Title 6
29 (commencing with Section 4800) of Part 3.

30 (i) Exercise other powers and duties as prescribed by law.

31 SEC. 47. Section 5075.6 is added to the Penal Code, to read:

32 5075.6. (a) Commissioners and deputy commissioners
33 hearing matters pursuant to subdivision (f) of Section 5075.1, or
34 any other matter involving wards under the jurisdiction of the
35 Division of Youth Operations, shall have a broad background in,
36 and ability for, appraisal of youthful law offenders and
37 delinquents, the circumstances of delinquency for which those
38 persons are committed, and the evaluation of an individual's
39 progress toward reformation. Insofar as practicable,
40 commissioners and deputy commissioners selected to hear these

1 matters also shall have a varied and sympathetic interest in youth
2 correction work and shall have experience in the fields of
3 corrections, sociology, law, law enforcement, mental health, and
4 education.

5 (b) Within 60 days of appointment and annually thereafter,
6 commissioners and deputy commissioners described in
7 subdivision (a) shall undergo a minimum of 40 hours of training
8 in the following areas: treatment and training programs provided
9 to wards at Department of Corrections and Rehabilitation
10 institutions, including, but not limited to, educational, vocational,
11 mental health, medical, substance abuse, psychotherapeutic
12 counseling, and sex offender treatment programs; a review of
13 current national research on effective interventions with juvenile
14 offenders and how they compare to department program and
15 treatment services; parole services; commissioner duties and
16 responsibilities; and a review of factors influencing ward lengths
17 of stay and ward recidivism rates and their relationship to one
18 another.

19 SEC. 48. Section 5075.7 is added to the Penal Code, to read:

20 5075.7. Insofar as practicable, commissioners or deputy
21 commissioners conducting studies pursuant to subdivision (g) of
22 Section 5075.1 shall have a background in law, sociology, law
23 enforcement, medicine, education, or drug counseling.

24 SEC. 49. Section 5076.1 of the Penal Code is amended to
25 read:

26 5076.1. (a) The board shall meet at each of the state prisons
27 *and may meet at any facility under the jurisdiction of the*
28 *Division of Youth Operations. Meetings shall be held at such*
29 ~~times as~~ *whatever times* may be necessary for a full and complete
30 study of the cases of all ~~prisoners inmates and wards~~ whose
31 ~~applications for parole come before it~~ *matters are considered.*
32 Other times and places of meeting may also be ~~fixed~~ *designated*
33 by the board. Each commissioner of the board shall receive his
34 actual necessary traveling expenses incurred in the performance
35 of his *or her* official duties. Where the board performs its
36 functions by meeting en banc in either public or executive
37 sessions to decide matters of general policy, at least ~~five~~ *nine*
38 members shall be present, and no ~~such~~ action shall be valid
39 unless it is concurred in by a majority vote of those present.

1 ***(b) The board may use deputy commissioners to whom it may***
2 ***assign appropriate duties, including hearing cases and making***
3 ***decisions. Those decisions shall be made in accordance with***
4 ***policies approved by a majority of the total membership of the***
5 ***board.***

6 ***(c) The board may meet and transact business in panels. Each***
7 ***panel shall consist of at least three two or more persons. No***
8 ***action shall be valid unless concurred in by a majority vote of the***
9 ***persons present. In the event of a tie vote, the matter shall be***
10 ***referred to a committee selected by the chair, comprised of a***
11 ***majority of commissioners currently holding office.***

12 ***(d) When determining whether commissioners or deputy***
13 ***commissioners shall hear matters pursuant to subdivision (f) of***
14 ***Section 5075.1, or any other matter submitted to the board***
15 ***involving wards under the jurisdiction of the Division of Youth***
16 ***Operations, the chair shall take into account the degree of***
17 ***complexity of the issues presented by the case. Any decision***
18 ***resulting in the extension of a parole consideration date shall***
19 ***entitle a ward to appeal the decision to a panel comprised of two***
20 ***or more commissioners, of which no more than one may be a***
21 ***deputy commissioner. The panel shall consider and act upon the***
22 ***appeal in accordance with rules established by the board.***

23 ***(e) Consideration of parole release for persons sentenced to***
24 ***life imprisonment pursuant to subdivision (b) of Section 1168***
25 ***shall be heard by a panel, a majority of whose commissioners are***
26 ***commissioners of the Board of Prison Terms of two or more***
27 ***commissioners or deputy commissioners, of which only one may***
28 ***be a deputy commissioner. A recommendation for recall of a***
29 ***sentence under subdivisions (d) and (f) (e) of Section 1170 shall***
30 ***be made by a panel, a majority of whose commissioners are***
31 ***commissioners of the Board of Prison Terms Parole Hearings.***

32 ***The board may employ deputy commissioners to whom it may***
33 ***assign appropriate duties, including that of hearing cases and***
34 ***making decisions. Such decisions shall be made in accordance***
35 ***with policies approved by a majority of the total membership of***
36 ***the board.***

37 **SEC. 50. Section 5082 of the Penal Code is repealed.**

38 **~~5082. (a) Any number of employees of the Board of Prison~~**
39 **~~Terms as are needed to carry out its functions shall be selected~~**
40 **~~and appointed pursuant to the State Civil Service Act. Nothing~~**

1 shall prohibit the Board of Prison Terms from employing any
2 person employed formerly by the Adult Authority or Women's
3 Board of Terms and Paroles.

4 (b) The provisions of Chapter 6 (commencing with Section
5 6050) of Title 7 of Part 3, relating to the employment of
6 personnel by the department, do not apply to the employees of
7 the Board of Prison Terms.

8 SEC. 51. The heading of Chapter 4 (commencing with
9 Section 6001) of Title 7 of Part 3 of the Penal Code is amended
10 to read:

11
12 CHAPTER 4. ~~THE YOUTH AUTHORITY DIVISION OF YOUTH~~
13 ~~OPERATIONS~~
14

15 SEC. 52. Section 6001 of the Penal Code is repealed.

16 6001. ~~The establishment, organization, jurisdiction, powers,~~
17 ~~duties, responsibilities, and functions of the Youth Authority are~~
18 ~~continued as provided in the Youth Authority Act (Chapter 1~~
19 ~~(commencing with Section 1700) of Division 2.5 of the Welfare~~
20 ~~and Institutions Code).~~

21 SEC. 53. Section 6003 of the Penal Code is repealed.

22 6003. ~~The Youth Authority and the Director of Corrections~~
23 ~~may, pursuant to Section 11253 and Sections 11256 to 11259,~~
24 ~~inclusive, of the Government Code, provide for the performance~~
25 ~~of any of the duties or the exercise of any of the powers of the~~
26 ~~Youth Authority by the Department of Corrections, subject to the~~
27 ~~direction and control of the Youth Authority, except that the~~
28 ~~power of classification and segregation of persons committed to~~
29 ~~the authority shall be exercised by the authority, and shall not be~~
30 ~~exercised by any other agency.~~

31 SEC. 54. Section 6004 of the Penal Code is repealed.

32 6004. ~~Whenever the Director of Corrections or the~~
33 ~~Department of Corrections exercises any power or performs any~~
34 ~~duty of the Youth Authority pursuant to the authorization in~~
35 ~~Section 6003:~~

36 (a) ~~The exercise of the power or the performance of the duty~~
37 ~~by the Director of Corrections or the Department of Corrections~~
38 ~~shall constitute an exercise of the power or a performance of the~~
39 ~~duty by the Youth Authority for the purposes of the Youth~~

1 Authority Act (Chapter 1 (commencing with Section 1700) of
2 Division 2.5 of the Welfare and Institutions Code).

3 (b) ~~The operation of any service, place, institution, hospital,~~
4 ~~agency, or facility by the Department of Corrections under the~~
5 ~~authorization in Section 6003 shall be deemed operation by the~~
6 ~~Youth Authority.~~

7 (e) ~~All public officers and other persons under a duty to make~~
8 ~~any reports or provide any information, access, or assistance to~~
9 ~~the Youth Authority in respect to the power or duty so exercised~~
10 ~~shall make the reports, or provide the information, access, or~~
11 ~~assistance to the Director of Corrections or the Department of~~
12 ~~Corrections.~~

13 SEC. 55. The heading of Chapter 5 (commencing with
14 Section 6024) of Title 7 of Part 3 of the Penal Code is amended
15 to read:

16
17 CHAPTER 5. ~~THE BOARD OF CORRECTIONS~~ CORRECTIONS
18 STANDARDS AUTHORITY
19

20 SEC. 56. Section 6024 of the Penal Code is amended to read:

21 6024. ~~There is in the Youth and Adult Correctional Agency a~~
22 ~~Board of Corrections Commencing July 1, 2005, there is hereby~~
23 ~~established with the Department of Corrections and~~
24 ~~Rehabilitation the Corrections Standards Authority. As of July 1,~~
25 ~~2005, any reference to the Board of Corrections refers to the~~
26 ~~Corrections Standards Authority. As of that date, the Board of~~
27 ~~Corrections is abolished.~~

28 SEC. 57. Section 6025 of the Penal Code is amended to read:

29 6025. (a) ~~The Board of Corrections Commencing July 1,~~
30 ~~2005, the Corrections Standards Authority~~ shall be composed of
31 ~~15~~ 17 members, one of whom shall be the Secretary of the ~~Youth~~
32 ~~and Adult Correctional Agency Department of Corrections and~~
33 ~~Rehabilitation,~~ or his or her designee, who shall be designated as
34 the chairperson, ~~one of whom shall be the Director of~~
35 ~~Corrections, one of whom shall be the Director of the Youth~~
36 ~~Authority, and~~ and four of whom shall be subordinate officers of
37 the secretary. At least one subordinate officer shall be a manager
38 or administrator of a state correctional facility for adult
39 offenders, and at least one subordinate officer shall be a
40 manager or administrator of a state correctional facility for

1 *juvenile offenders. The remaining 12 of whom* members shall be
2 appointed by the Governor after consultation with, and with the
3 advice of, the ~~Secretary of the Youth and Adult Correctional~~
4 ~~Agency~~ secretary, and with the advice and consent of the Senate.
5 The gubernatorial appointments shall include all of the
6 following:

7 (1) A county sheriff in charge of a local detention facility
8 which has a ~~Board of Corrections~~ *Corrections Standards*
9 *Authority* rated capacity of 200 or less inmates.

10 (2) A county sheriff in charge of a local detention facility
11 which has a ~~Board of Corrections~~ *Corrections Standards*
12 *Authority* rated capacity of over 200 inmates.

13 (3) A county supervisor or county administrative officer.

14 (4) A chief probation officer from a county with a population
15 over 200,000.

16 (5) A chief probation officer from a county with a population
17 under 200,000.

18 (6) A manager or administrator of a county local detention
19 facility.

20 (7) An administrator of a local community-based correctional
21 program.

22 (8) Two public members, *at least one of whom shall represent*
23 *the interests of crime victims.*

24 (9) Two rank and file representatives ~~from one or more.~~ *One*
25 *shall be from local corrections facilities, as described in Section*
26 *6035. One representative shall be a juvenile probation officer at*
27 *the level of the first line supervisor or below, with a minimum of*
28 *five years of experience in a juvenile facility, and one*
29 *representative shall be a deputy sheriff with the rank of sergeant*
30 *or below, with a minimum of five years experience in an adult*
31 *facility or a probation department, and one shall be from state*
32 *correctional facilities or the parole division. One of the two*
33 *representatives shall have a minimum of five years experience*
34 *working in a state or local adult correctional facility.*

35 (10) A representative of a community-based youth service
36 organization.

37 (b) ~~Of the members first appointed by the Governor, two shall~~
38 ~~be appointed for a term of two years, three for a term of three~~
39 ~~years, and three for a term of four years. The length of the~~
40 ~~original term to be served by each member first appointed shall~~

1 ~~be determined by lot. Their successors shall serve for a term of~~
2 ~~three years and until appointment and qualification of their~~
3 ~~successors, each term to commence on the expiration date of the~~
4 ~~term of the predecessor.~~

5 (e) The ~~board~~ *authority* shall select a vice chairperson from
6 among its members. ~~Seven~~ *Nine* members of the board shall
7 constitute a quorum.

8 ~~(d)~~

9 (c) When the ~~board~~ *authority* is hearing charges against any
10 member, the individual concerned shall not sit as a member of
11 the board for the period of hearing of charges and the
12 determination of recommendations to the Governor.

13 ~~(e)~~

14 (d) If any appointed member is not in attendance for three
15 consecutive meetings the ~~board~~ *authority* ~~shall~~ *may* recommend
16 to the Governor that the member be removed and the Governor
17 ~~shall~~ *may* make a new appointment, with the advice and consent
18 of the Senate, for the remainder of the term.

19 SEC. 58. Section 6026 of the Penal Code is amended to read:

20 6026. The ~~Board of Corrections~~ *Standards Authority* shall be
21 the means whereby the Department of Corrections ~~and the~~
22 ~~Department of the Youth Authority and Rehabilitation~~ may
23 correlate ~~their~~ *its* individual programs for the adults and youths
24 under ~~the~~ *its* jurisdiction ~~of each~~.

25 SEC. 59. Section 6030 of the Penal Code is amended to read:

26 6030. (a) The ~~Board of Corrections~~ *Standards Authority* shall
27 establish minimum standards for local detention facilities ~~by July~~
28 ~~1, 1972~~. The ~~Board of Corrections~~ *authority* shall review ~~such~~
29 ~~those~~ standards biennially and make any appropriate revisions.

30 (b) The standards shall include, but not be limited to, the
31 following: health and sanitary conditions, fire and life safety,
32 security, rehabilitation programs, recreation, treatment of persons
33 confined in local detention facilities, and personnel training.

34 (c) ~~Such~~ *The* standards shall require that at least one person on
35 duty at the facility is knowledgeable in the area of fire and life
36 safety procedures.

37 (d) The standards shall also include requirements relating to
38 the acquisition, storage, labeling, packaging, and dispensing of
39 drugs.

(e) In establishing minimum standards, the ~~Board of Corrections~~ *authority* shall seek the advice of the following:

(1) For health and sanitary conditions:

The State Department of Health Services, physicians, psychiatrists, local public health officials, and other interested persons.

(2) For fire and life safety:

The State Fire Marshal, local fire officials, and other interested persons.

(3) For security, rehabilitation programs, recreation, and treatment of persons confined in local detention facilities:

~~The Department of Corrections, the Department of the Youth Authority, and Rehabilitation, state and~~ local juvenile justice commissions, *state and* local correctional officials, experts in criminology and penology, and other interested persons.

(4) For personnel training:

The Commission on Peace Officer Standards and Training, psychiatrists, experts in criminology and penology, the Department of Corrections, ~~the Department of the Youth Authority, and Rehabilitation, state and~~ local correctional officials, and other interested persons.

SEC. 60. Section 6050 of the Penal Code is amended to read:

6050. (a) The Governor, upon recommendation of the ~~director, and with the advice and consent of the Senate~~ *secretary*, shall appoint the wardens of the various state prisons. Each warden shall be subject to removal by the ~~director~~ *secretary*. If the ~~director~~ *secretary* removes the warden, his or her action shall be final. The wardens shall be exempt from civil service.

(b) The Department of Personnel Administration shall fix the compensation of the wardens and superintendents of the state prisons.

SEC. 61. Section 7518 of the Penal Code is amended to read:

7518. (a) The Department of Corrections, ~~the Department of the Youth Authority, and Rehabilitation~~ and local health officers shall adopt guidelines for the making of decisions pursuant to this chapter in consultation with the Office of AIDS in the State Department of Health Services. The guidelines shall be based on the latest written guidelines of HIV transmission and infection established by the federal Centers for Disease Control and Prevention.

(b) Oversight responsibility for implementation of the applicable provisions of this title, including the oversight of reports involving parole officers and the staff of state ~~prisons~~ *adult and youth correctional facilities* shall be vested with the Chief of Medical Services in the Department of Corrections *and Rehabilitation*. ~~Oversight responsibility for implementation of Section 7515 in the facilities of the Department of the Youth Authority shall be vested with the Chief of Medical Services in the Department of the Youth Authority. Oversight responsibility for implementation of Section 7515 with respect to reports involving parole or probation officers shall be vested with the Chief of Parole and Community Services Division in the Department of Corrections.~~

Oversight responsibility at the county, the city, or the county and city level shall rest with the local health officer.

SEC. 62. The heading of Title 4.5 (commencing with Section 13600) of Part 4 of the Penal Code is amended to read:

~~TITLE 4.5. YOUTH AND ADULT CORRECTIONAL
PEACE OFFICER STANDARDS AND TRAINING
CORRECTIONS STANDARDS AUTHORITY~~

SEC. 63. Section 13600 of the Penal Code is amended to read:

13600. (a) *Commencing July 1, 2005, any reference to the Commission on Correctional Peace Officer Standards and Training or "CPOST" shall refer to the Corrections Standards Authority established pursuant to Chapter 5 (commencing with Section 6024) of Title 7 of Part 3. As of that date, the Commission on Correctional Peace Officer Standards and Training is abolished.*

(b) The Legislature finds and declares that peace officers of the state correctional system, including youth and adult correctional facilities, fulfill responsibilities that require creation and application of sound selection criteria for applicants and standards for their training prior to assuming their duties. For the purposes of this section, correctional peace officers are peace officers as defined in Section 830.5 and employed or designated by the Department of Corrections ~~and the Department of the Youth Authority Rehabilitation.~~

1 The Legislature further finds that sound applicant selection and
2 training are essential to public safety and in carrying out the
3 missions of the ~~Youth and Adult Correctional Agency~~
4 *Department of Corrections and Rehabilitation* in the custody and
5 care of the state's offender population. The greater degree of
6 professionalism which will result from sound screening criteria
7 and a significant training curriculum will greatly aid the ~~Youth~~
8 ~~and Adult Correctional Agency department~~ in maintaining
9 smooth, efficient, and safe operations and effective programs in
10 the ~~Department of Corrections and the Department of the Youth~~
11 ~~Authority department~~.

12 ~~(b) There is within the Youth and Adult Correctional Agency~~
13 ~~a Commission on Correctional Peace Officer Standards and~~
14 ~~Training, hereafter referred to as the CPOST. The Department of~~
15 ~~Corrections-Department of the Youth Authority Joint~~
16 ~~Apprenticeship Committee, as referred to in the Memorandum of~~
17 ~~Understanding for Unit 6, is hereby renamed the Commission on~~
18 ~~Correctional Peace Officer Standards and Training. Any~~
19 ~~reference to the Department of Corrections-Department of the~~
20 ~~Youth Authority Joint Apprenticeship Committee shall be~~
21 ~~deemed to refer to the CPOST.~~

22 ~~(e) (1) The executive board of the CPOST shall be composed~~
23 ~~of six voting members.~~

24 ~~(A) Two members from, appointed by, and representing the~~
25 ~~management of, the Department of Corrections and one member~~
26 ~~from, appointed by, and representing the Department of the~~
27 ~~Youth Authority.~~

28 ~~(B) Three members from, and appointed by the Governor upon~~
29 ~~recommendation by, and representing the membership of, the~~
30 ~~California Correctional Peace Officers' Association. Two~~
31 ~~members shall be rank and file persons from State Bargaining~~
32 ~~Unit 6 and one member shall be supervisory.~~

33 ~~(C) Appointments shall be for four years.~~

34 ~~(D) Promotion of a member of CPOST shall invalidate the~~
35 ~~appointment of that member and shall require the~~
36 ~~recommendation and appointment of a new member if the~~
37 ~~member was appointed from rank and file or from supervisory~~
38 ~~personnel and promoted out of his or her respective rank and file~~
39 ~~or supervisory position during his or her term on CPOST.~~

1 ~~(2) Each appointing authority shall appoint one alternate~~
2 ~~member for each regular member who they appoint pursuant to~~
3 ~~paragraph (1). Every alternate member shall possess the same~~
4 ~~qualifications as the regular member and shall substitute for, and~~
5 ~~vote in place of, the regular member whenever he or she is~~
6 ~~absent.~~

7 ~~(d) The rules for voting on the executive board of the CPOST~~
8 ~~shall be as follows:~~

9 ~~(1) Decisions shall be made by a majority vote.~~

10 ~~(2) Proxy voting shall not be permitted.~~

11 ~~(3) Tentative approval of a decision may be taken by a~~
12 ~~telephone vote. The CPOST members' decision shall be~~
13 ~~documented in writing and submitted to the CPOST for~~
14 ~~confirmation at the next scheduled CPOST meeting so as to~~
15 ~~become a part of the permanent record.~~

16 ~~(e) The executive board of the CPOST shall adopt rules as it~~
17 ~~deems necessary for efficient operations, including, but not~~
18 ~~limited to, the appointment of advisory members for forming~~
19 ~~whatever committee it deems necessary to conduct its business.~~
20 ~~These rules shall be in conformance with the State Personnel~~
21 ~~Board rules and regulations, the Department of Personnel~~
22 ~~Administration rules and regulations, and the provisions of the~~
23 ~~State Bargaining Unit 6 Memorandum of Understanding.~~

24 ~~(f) The CPOST shall appoint an executive director. The~~
25 ~~executive director shall appoint~~

26 ~~(b) The Secretary of the Department of Corrections and~~
27 ~~Rehabilitation shall, with advice from the Corrections Standards~~
28 ~~Authority, appoint a subordinate officer to serve as executive~~
29 ~~director of the board. The subordinate officer shall serve at the~~
30 ~~pleasure of the secretary. The subordinate officer shall appoint~~
31 ~~staff as provided for in the annual Budget Act, beginning in the~~
32 ~~2005-06 fiscal year 1999-2000.~~

33 SEC. 64. Section 13601 of the Penal Code is amended to
34 read:

35 13601. (a) ~~The CPOST~~ *Corrections Standards Authority*
36 shall develop, approve, and monitor standards for the selection
37 and training of state correctional peace officer apprentices. Any
38 standard for selection established under this subdivision shall be
39 subject to approval by the State Personnel Board. Using the
40 psychological and screening standards established by the State

1 Personnel Board, the State Personnel Board or the Department of
2 ~~the Youth Authority~~ *Corrections and Rehabilitation, Division of*
3 *Youth Operations* shall ensure that, prior to training, each
4 applicant who has otherwise qualified in all physical and other
5 testing requirements to be a peace officer in either a youth or
6 adult correctional facility, is determined to be free from
7 emotional or mental conditions that might adversely affect the
8 exercise of his or her duties and powers as a peace officer.

9 (b) The ~~CPOST~~ *authority* may approve standards for a course
10 in the carrying and use of firearms for correctional peace officers
11 that is different from that prescribed pursuant to Section 832. The
12 standards shall take into consideration the different
13 circumstances presented within the institutional setting from that
14 presented to other law enforcement agencies outside the
15 correctional setting.

16 (c) Notwithstanding Section 3078 of the Labor Code, the
17 length of the probationary period for correctional peace officer
18 apprentices shall be determined by the ~~CPOST~~ *authority* subject
19 to approval by the State Personnel Board, pursuant to Section
20 19170 of the Government Code.

21 (d) The ~~CPOST~~ *authority* shall develop, approve, and monitor
22 standards for advanced rank-and-file and supervisory state
23 correctional peace officer and training programs for the
24 Department of Corrections ~~and Rehabilitation~~. When a
25 correctional peace officer is promoted within the ~~Department of~~
26 ~~Corrections~~ *department*, he or she shall be provided with and be
27 required to complete these secondary training experiences.

28 (e) The ~~CPOST~~ *authority* shall develop, approve, and monitor
29 standards for the training of state correctional peace officers in
30 the ~~Department of Corrections~~ *department* in the handling of
31 stress associated with their duties.

32 (f) Toward the accomplishment of the objectives of this act,
33 the ~~CPOST~~ *authority* may confer with, and may avail itself of the
34 assistance and recommendations of, other state and local
35 agencies, boards, or commissions.

36 (g) Notwithstanding the authority of the ~~CPOST, the~~
37 ~~departments~~ *authority, the department* shall design and deliver
38 training programs, shall conduct validation studies, and shall
39 provide program support. The ~~CPOST~~ *authority* shall monitor
40 program compliance by the ~~departments~~ *department*.

1 (h) The ~~CPOST~~ *authority* may disapprove any training courses
2 created by the ~~departments~~ *department* pursuant to the standards
3 developed by the ~~commission~~ *authority* if it determines that the
4 courses do not meet the prescribed standards.

5 (i) The ~~CPOST~~ *authority* shall annually submit an estimate of
6 costs to conduct those inquiries and audits as may be necessary to
7 determine whether the ~~departments~~ *department* and each of ~~their~~
8 *its* institutions and parole regions are adhering to the standards
9 developed by ~~CPOST~~ *the authority*, and shall conduct ~~such~~ *those*
10 inquiries and audits consistent with the annual Budget Act.

11 (j) The ~~CPOST~~ *authority* shall establish and implement
12 procedures for reviewing and issuing decisions concerning
13 complaints or recommendations from interested parties regarding
14 ~~CPOST~~ *authority* rules, regulations, standards, or decisions.

15 SEC. 65. Section 13602 of the Penal Code is amended to
16 read:

17 13602. (a) The Department of Corrections—~~shall and~~
18 *Rehabilitation may* use the training academy at Galt ~~or the~~
19 *training center in Stockton.* ~~This academy~~ *The academy at Galt*
20 shall be known as the Richard A. McGee Academy. ~~The~~
21 ~~Department of the Youth Authority shall use the training center~~
22 ~~at Stockton.~~ The training divisions, in using the funds, shall
23 endeavor to minimize costs of administration so that a maximum
24 amount of the funds will be used for providing training and
25 support to correctional peace officers while being trained by the
26 ~~departments~~ *department*.

27 (b) Each new cadet who attends an academy shall complete
28 the course of training, pursuant to standards approved by ~~CPOST~~
29 *the Corrections Standards Authority* before he or she may be
30 assigned to a post or job as a peace officer. Every newly
31 appointed first-line or second-line supervisor in the Department
32 of Corrections *and Rehabilitation* shall complete the course of
33 training, pursuant to standards approved by ~~CPOST~~ *the authority*
34 for that position.

35 (c) The Department of Corrections and ~~the Department of the~~
36 ~~Youth Authority~~ *Rehabilitation* shall make every effort to
37 provide training prior to commencement of supervisorial duties.
38 If this training is not completed within six months of
39 appointment to that position, any first-line or second-line

1 supervisor shall not perform supervisory duties until the training
2 is completed.

3 SEC. 66. Section 13603 of the Penal Code is amended to
4 read:

5 13603. (a) The Department of Corrections and ~~the~~
6 ~~Department of the Youth Authority~~ *Rehabilitation* shall provide
7 16 weeks of training to each correctional peace officer cadet.
8 Except as provided by subdivision (b), this training shall be
9 completed by the cadet prior to his or her assignment to a post or
10 position as a correctional peace officer.

11 (b) If an agreement is reached between the ~~Department of~~
12 ~~Corrections~~ *department* and the bargaining unit for the
13 correctional peace officers that this subdivision shall apply, and
14 with the approval of the ~~Commission on Correctional Peace~~
15 ~~Officer Standards and Training~~ *Corrections Standards Authority*
16 on how to implement the on-the-job training requirements of the
17 subdivision, the ~~Department of Corrections~~ *department* shall
18 provide a total of 16 weeks of training to each correctional peace
19 officer cadet as follows:

20 (1) Twelve weeks of the training shall be at the department's
21 training academy. Cadets shall be sworn in as correctional peace
22 officers upon the completion of this initial 12 weeks.

23 (2) Four weeks shall be at the institution where the cadet is
24 assigned to a post or position.

25 (c) The ~~Department of Corrections and the Department of the~~
26 ~~Youth Authority~~ *department* shall provide a minimum of two
27 weeks of training to each newly appointed first line supervisor.

28 (d) *Training standards previously established pursuant to this*
29 *section shall remain in effect until training requirements are*
30 *established by the Corrections Standards Authority pursuant to*
31 *Section 13602.*

32 SEC. 67. Section 13810 of the Penal Code is amended to
33 read:

34 13810. There is hereby created in the state government the
35 California Council on Criminal Justice, which shall be composed
36 of the following members: the Attorney General; the
37 Administrative Director of the Courts; 19 members appointed by
38 the Governor, including the Commissioner of the Department of
39 the Highway Patrol, the ~~Director of the Department of~~
40 ~~Corrections, the Director of the Department of the Youth~~

1 ~~Authority~~ *Secretary of the Department of Corrections and*
2 *Rehabilitation, or his or her designee, a subordinate officer of*
3 *the Secretary of Corrections and Rehabilitation, and the State*
4 *Public Defender; eight members appointed by the Senate Rules*
5 *Committee; and eight members appointed by the Speaker of the*
6 *Assembly.*

7 The remaining appointees of the Governor shall include
8 different persons from each of the following categories: a district
9 attorney, a sheriff, a county public defender, a county probation
10 officer, a member of a city council, a member of a county board
11 of supervisors, a faculty member of a college or university
12 qualified in the field of criminology, police science, or law, a
13 person qualified in the field of criminal justice research and six
14 private citizens, including a representative of a citizens,
15 professional, or community organization. The Senate Committee
16 on Rules shall include among its appointments different persons
17 from each of the following categories: a member of the Senate
18 Committee on Criminal Procedure, a representative of the
19 counties, a representative of the cities, a judge designated by the
20 Judicial Council, and four private citizens, including a
21 representative of a citizens, professional, or community
22 organization. The Speaker of the Assembly shall include among
23 his appointments different persons from each of the following
24 categories: a representative of the counties, a representative of
25 the cities, a member of the Assembly Committee on Public
26 Safety, a chief of police, a peace officer, and three private
27 citizens, including a representative of a citizens, professional, or
28 community organization directly related to delinquency
29 prevention.

30 The Governor shall select a chairman from among the
31 members of the council.

32 SEC. 68. Section 14204 of the Penal Code is amended to
33 read:

34 14204. The Attorney General shall provide training on the
35 services provided by the center to line personnel, supervisors,
36 and investigators in the following fields: law enforcement,
37 district attorneys' offices, ~~California Youth Authority, the~~
38 ~~Department of Corrections, including the Parole and Community~~
39 ~~Services Unit~~ *the Department of Corrections and Rehabilitation,*
40 probation departments, court mediation services, and the

1 judiciary. ~~The Commission on Peace Officer Standards and~~
2 ~~Training~~ *Corrections Standards Authority* shall provide for the
3 presentation of training to peace officers which will enable them
4 to more efficiently handle, on the local level, the tracing of
5 missing persons and victims of violent crimes.

6 ~~This~~ *The changes to this section made by the Governor's*
7 *Reorganization Plan 2 of 2005* shall become operative on July 1,
8 ~~1989~~ 2005.

9 SEC. 69. Section 1000 of the Welfare and Institutions Code is
10 amended to read:

11 1000. ~~The~~ *Commencing July 1, 2005, any reference to the*
12 *Department of the Youth Authority refers to the Department of*
13 *Corrections and Rehabilitation, Division of Youth Operations,*
14 *which* has jurisdiction over all educational training and treatment
15 institutions now or hereafter established and maintained in the
16 ~~State~~ *state* as correctional schools for the reception of wards of
17 the juvenile court and other persons committed to the
18 department.

19 SEC. 70. Section 1703 of the Welfare and Institutions Code is
20 amended to read:

21 1703. ~~As~~ *Commencing July 1, 2005, as* used in this chapter
22 the following terms have the following meanings:

23 (a) "Public offenses" means public offenses as that term is
24 defined in the Penal Code.

25 (b) "Court" includes any official authorized to impose
26 sentence for a public offense.

27 (c) "Youth Authority," "Authority," "authority," or
28 ~~"department"~~ *"division"* means the Department of ~~the Youth~~
29 ~~Authority~~ *Corrections and Rehabilitation, Division of Youth*
30 *Operations.*

31 (d) "Board" or "board" means the ~~Youth Authority~~ Board of
32 *Parole Hearings.*

33 (e) The masculine pronoun includes the feminine.

34 SEC. 71. Section 1710 of the Welfare and Institutions Code is
35 amended to read:

36 1710. ~~There is in the Youth and Adult Correctional Agency a~~
37 ~~Department of the Youth Authority~~ *Commencing July 1,*
38 *2005, any reference to the Department of the Youth Authority in*
39 *this or any other code refers to the Department of Corrections*
40 *and Rehabilitation, Division of Youth Operations.*

SEC. 72. Section 1711 of the Welfare and Institutions Code is amended to read:

~~1711. The Director of the Youth Authority shall be appointed by the Governor with the advice and consent of the Senate. He or she shall hold office at the pleasure of the Governor but before the director may be removed, the procedures set forth in Section 5051 of the Penal Code shall be followed. He or she shall receive an annual salary provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code, and shall devote his or her entire time to the duties of his or her office Governor, upon recommendation of the Secretary of the Department of Corrections and Rehabilitation, shall appoint a subordinate officer to the secretary, subject to Senate confirmation. The subordinate officer shall serve at the pleasure of the Governor, and shall serve as the chief administrative officer of the Department of Corrections and Rehabilitation, Division of Youth Operations. Commencing July 1, 2005, any reference to the Director of the Youth Authority shall be to the subordinate officer appointed pursuant to this section, unless otherwise expressly provided.~~

SEC. 73. Section 1712 of the Welfare and Institutions Code is amended to read:

1712. (a) All powers, duties, and functions pertaining to the care and treatment of wards provided by any provision of law and not specifically and expressly assigned to the ~~Youth Authority Board~~ Department of Corrections and Rehabilitation, Division of Youth Operations or to the Board of Parole Hearings, shall be exercised and performed by the ~~director. The director~~ Secretary of the Department of Corrections and Rehabilitation. The secretary shall be the appointing authority for all civil service positions of employment in the department. The ~~director~~ secretary may delegate the powers and duties vested in him or her by law, in accordance with Section 7.

(b) ~~The director~~ Commencing July 1, 2005, the secretary is authorized to make and enforce all rules appropriate to the proper accomplishment of the functions of the ~~Department of the Youth Authority~~ Division of Youth Operations. The rules shall be promulgated and filed pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the

1 Government Code, and shall, to the extent practical, be stated in
2 language that is easily understood by the general public.

3 (c) ~~The Department of the Youth Authority~~ *secretary* shall
4 maintain, publish, and make available to the general public, a
5 compendium of rules and regulations promulgated by the
6 department pursuant to this section.

7 (d) The following exceptions to the procedures specified in
8 this section shall apply to the ~~Department of the Youth Authority~~
9 *department*:

10 (1) The department may specify an effective date that is any
11 time more than 30 days after the rule or regulation is filed with
12 the Secretary of State; provided that no less than 20 days prior to
13 that effective date, copies of the rule or regulation shall be posted
14 in conspicuous places throughout each institution and shall be
15 mailed to all persons or organizations who request them.

16 (2) The department may rely upon a summary of the
17 information compiled by a hearing officer; provided that the
18 summary and the testimony taken regarding the proposed action
19 shall be retained as part of the public record for at least one year
20 after the adoption, amendment, or repeal.

21 SEC. 74. Section 1713 of the Welfare and Institutions Code is
22 amended to read:

23 1713. (a) ~~The Director of the Youth Authority~~ *subordinate*
24 *officer appointed pursuant to Section 1711* shall have wide and
25 successful administrative experience in youth or adult
26 correctional programs embodying rehabilitative or delinquency
27 prevention concepts.

28 (b) The Governor may request the State Personnel Board to
29 use extensive recruitment and merit selection techniques and
30 procedures to provide a list of persons qualified for appointment
31 as ~~Director of the Youth Authority~~ *that subordinate officer*. The
32 Governor may appoint any person from such list of qualified
33 persons or may reject all names and appoint another person who
34 meets the requirements of this section.

35 SEC. 75. Section 1714 of the Welfare and Institutions Code is
36 amended to read:

37 1714. ~~The Director of the Youth Authority~~ *Secretary of the*
38 *Department of Corrections and Rehabilitation* may transfer
39 persons confined in one institution or facility of the ~~Department~~
40 ~~of the Youth Authority~~ *Division of Youth Operations* to another.

1 SEC. 76. Section 1716 of the Welfare and Institutions Code is
2 amended to read:

3 1716. (a) ~~There is in the Department of the Youth Authority~~
4 ~~a Youth Authority Board, which shall be composed of six~~
5 ~~members, one of whom shall be the Director of the Youth~~
6 ~~Authority who shall serve as the ex officio nonvoting chair of the~~
7 ~~board. Other than the chair, who is subject to appointment~~
8 ~~pursuant to Section 1711, the members shall be appointed by the~~
9 ~~Governor, with the advice and consent of the Senate, for a term~~
10 ~~of four years, and shall devote their entire time to its work~~
11 ~~Commencing July 1, 2005, any reference to the Youth Authority~~
12 ~~Board refers to the Board of Parole Hearings. As of that date,~~
13 ~~the Youth Authority Board is abolished.~~

14 (b) ~~The individuals who were members of the Youthful~~
15 ~~Offender Parole Board immediately prior to the effective date of~~
16 ~~this section shall continue in their respective terms of office as~~
17 ~~members of the Youth Authority Board as provided in this~~
18 ~~section. The positions held by one of the members whose term~~
19 ~~ends on March 15, 2007, and by one of the members whose term~~
20 ~~ends on March 15, 2006, shall be eliminated on the effective date~~
21 ~~of this section, reducing the composition of the board to five~~
22 ~~members, not including the position held by the Director of the~~
23 ~~Youth Authority. All other members shall continue to serve out~~
24 ~~their respective terms. Their successors shall hold office for~~
25 ~~terms of four years. The members shall be eligible for~~
26 ~~reappointment and shall hold office until the appointment and~~
27 ~~qualification of their successors, with the term of each new~~
28 ~~appointee to commence on the expiration date of the term of his~~
29 ~~or her predecessor.~~

30 (c) ~~All appointments to a vacancy occurring by reason of any~~
31 ~~cause other than the expiration of a term shall be for the~~
32 ~~unexpired term.~~

33 (d) ~~If the Senate, in lieu of failing to confirm, finds that it~~
34 ~~cannot consider all or any of the appointments to the Youth~~
35 ~~Authority Board adequately because the amount of legislative~~
36 ~~business and the probable duration of the session does not permit,~~
37 ~~it may adopt a single house resolution by a majority vote of all~~
38 ~~members elected to the Senate to that effect and requesting the~~
39 ~~resubmission of the unconfirmed appointment or appointments at~~
40 ~~a succeeding session of the Legislature, whether regular or~~

1 extraordinary, convening on or after a date fixed in the
2 resolution. This resolution shall be filed immediately after its
3 adoption in the office of the Secretary of State and the appointee
4 or appointees affected shall serve subject to later confirmation or
5 rejection by the Senate.

6 SEC. 77. Section 1717 of the Welfare and Institutions Code is
7 repealed.

8 ~~1717. (a) Persons appointed to the Youth Authority Board~~
9 ~~shall have a broad background in and ability for appraisal of~~
10 ~~youthful law offenders and delinquents, the circumstances of~~
11 ~~delinquency for which those persons are committed, and the~~
12 ~~evaluation of the individual's progress toward reformation.~~
13 ~~Insofar as practicable, members shall be selected who have a~~
14 ~~varied and sympathetic interest in youth correction work~~
15 ~~including persons widely experienced in the fields of corrections,~~
16 ~~sociology, law, law enforcement, mental health, and education.~~

17 ~~(b) The selection of persons and their appointment by the~~
18 ~~Governor and confirmation by the Senate shall reflect as nearly~~
19 ~~as possible a cross section of the racial, sexual, economic, and~~
20 ~~geographic features of the state.~~

21 ~~(c) The Director of the Youth Authority shall serve as the ex~~
22 ~~officio nonvoting chair of the board. The chair shall be the~~
23 ~~administrative head of the board and shall exercise all duties and~~
24 ~~functions necessary to ensure that the responsibilities of the~~
25 ~~board are successfully discharged.~~

26 ~~(d) Within 60 days of appointment and annually thereafter,~~
27 ~~persons appointed to the Youth Authority Board shall undergo a~~
28 ~~minimum of 40 hours of training in the following areas:~~
29 ~~treatment and training programs provided to wards at Youth~~
30 ~~Authority institutions, including, but not limited to, educational,~~
31 ~~vocational, mental health, medical, substance abuse,~~
32 ~~psychotherapeutic counseling, and sex offender treatment~~
33 ~~programs; a review of current national research on effective~~
34 ~~interventions with juvenile offenders and how they compare to~~
35 ~~department program and treatment services; parole services;~~
36 ~~board member duties and responsibilities; and a review of factors~~
37 ~~influencing ward lengths of stay and ward recidivism rates and~~
38 ~~their relationship to one another.~~

39 SEC. 78. Section 1718 of the Welfare and Institutions Code is
40 repealed.

1 ~~1718. (a) The members of the board shall receive an annual~~
2 ~~salary as provided for by Chapter 6 (commencing with Section~~
3 ~~11550) of Part 1 of Division 3 of Title 2 of the Government Code~~
4 ~~and their actual necessary traveling expenses to the same extent~~
5 ~~as is provided for other state offices.~~

6 ~~(b) The Governor may remove any member of the board for~~
7 ~~misconduct, incompetency or neglect of duty after a full hearing~~
8 ~~by the Board of Corrections.~~

9 SEC. 79. Section 1719 of the Welfare and Institutions Code is
10 amended to read:

11 1719. (a) ~~The~~ *Commencing July 1, 2005, the* following
12 powers and duties shall be exercised and performed by the ~~Youth~~
13 ~~Authority Board as such, or may be delegated to a panel,~~
14 ~~member, or case hearing representative as provided in Section~~
15 ~~1721~~ *Board of Parole Hearings*: discharges of commitment,
16 orders to parole and conditions thereof, revocation or suspension
17 of parole, and disciplinary appeals.

18 (b) Any ward may appeal an adjustment to his or her parole
19 consideration date to a panel comprised of at least two ~~board~~
20 ~~members~~ *commissioners*.

21 (c) The following powers and duties shall be exercised and
22 performed by the ~~Department of the Youth Authority~~ *Division of*
23 ~~Youth Operations~~: return of persons to the court of commitment
24 for redispotion by the court, determination of offense category,
25 setting of parole consideration dates, conducting annual reviews,
26 treatment program orders, institution placements, furlough
27 placements, return of nonresident persons to the jurisdiction of
28 the state of legal residence, disciplinary decisionmaking, and
29 referrals pursuant to Section 1800.

30 (d) ~~The Department of the Youth Authority~~ *department* shall
31 promulgate policies and regulations implementing a
32 departmentwide system of graduated sanctions for addressing
33 ward disciplinary matters. The disciplinary decisionmaking
34 system shall be employed as the disciplinary system in
35 ~~department institutions~~ *facilities under the jurisdiction of the*
36 ~~Division of Youth Operations~~, and shall provide a framework for
37 handling disciplinary matters in a manner that is consistent,
38 timely, proportionate, and ensures the due process rights of
39 wards. The department shall develop and implement a system of
40 graduated sanctions which distinguishes between minor,

1 intermediate, and serious misconduct. The department may
2 extend a ward's parole consideration date, subject to appeal
3 pursuant to subdivision (b), from one to not more than 12
4 months, inclusive, for a sustained serious misconduct violation if
5 all other sanctioning options have been considered and
6 determined to be unsuitable in light of the ward's previous case
7 history and the circumstances of the misconduct. In any case in
8 which a parole consideration date has been extended, the
9 disposition report shall clearly state the reasons for the extension.
10 The length of any parole consideration date extension shall be
11 based on the seriousness of the misconduct, the ward's prior
12 disciplinary history, the ward's progress toward treatment
13 objectives, the ward's earned program credits, and any
14 extenuating or mitigating circumstances. The department shall
15 promulgate regulations to implement a table of sanctions to be
16 used in determining parole consideration date extensions. The
17 department also may promulgate regulations to establish a
18 process for granting wards who have successfully responded to
19 disciplinary sanctions a reduction of up to 50 percent of any time
20 acquired for disciplinary matters.

21 SEC. 80. Section 1720 of the Welfare and Institutions Code is
22 amended to read:

23 1720. (a) The case of each ward shall be reviewed by the
24 ~~Department of the Youth Authority~~ *division* within 45 days of
25 arrival at the department, and at other times as is necessary to
26 meet the powers or duties of the board.

27 (b) ~~The department~~ *Division of Youth Operations* shall
28 periodically review the case of each ward for the purpose of
29 determining whether existing orders and dispositions in
30 individual cases should be modified or continued in force. These
31 reviews shall be made as frequently as the department considers
32 desirable and shall be made with respect to each ward at intervals
33 not exceeding one year.

34 (c) The ward shall be entitled to notice if his or her annual
35 review is delayed beyond one year after the previous annual
36 review hearing. The ward shall be informed of the reason for the
37 delay and of the date the review hearing is to be held.

38 (d) Failure of the ~~department~~ *division* to review the case of a
39 ward within 15 months of a previous review shall not of itself
40 entitle the ward to discharge from the control of the ~~Youth~~

1 ~~Authority~~ *division* but shall entitle him or her to petition the
2 superior court of the county from which he or she was committed
3 for an order of discharge, and the court shall discharge him or her
4 unless the court is satisfied as to the need for further control.

5 (e) Reviews conducted by the ~~department~~ *division* pursuant to
6 this section shall be written and shall include, but not be limited
7 to, the following: verification of the treatment or program goals
8 and orders for the ward to ensure the ward is receiving treatment
9 and programming that is narrowly tailored to address the
10 correctional treatment needs of the ward and is being provided in
11 a timely manner that is designed to meet the parole consideration
12 date set for the ward; an assessment of the ward's adjustment and
13 responsiveness to treatment, programming, and custody; a review
14 of the ward's disciplinary history and response to disciplinary
15 sanctions; an updated individualized treatment plan for the ward
16 that makes adjustments based on the review required by this
17 subdivision; an estimated timeframe for the ward's
18 commencement and completion of the treatment programs or
19 services; and a review of any additional information relevant to
20 the ward's progress.

21 (f) The ~~department~~ *division* shall provide copies of the reviews
22 prepared pursuant to this section to the court and the probation
23 department of the committing county.

24 SEC. 81. Section 1721 of the Welfare and Institutions Code is
25 repealed.

26 ~~1721. (a) The Youth Authority Board shall adopt policies~~
27 ~~governing the performance of its functions by the full board, or,~~
28 ~~pursuant to delegation, by panels, or referees. Whenever the~~
29 ~~board performs its functions meeting en banc in either public or~~
30 ~~executive sessions to decide matters of policy, four members~~
31 ~~shall be present and no action shall be valid unless it is concurred~~
32 ~~in by a majority vote of those present.~~

33 ~~(b) Case hearing representatives from the Department of the~~
34 ~~Youth Authority may be employed to participate with the board~~
35 ~~in the hearing of cases and authority may be delegated to those~~
36 ~~persons as provided in this section.~~

37 ~~(c) The board may delegate its authority to hear, consider, and~~
38 ~~act upon cases to members or case hearing representatives, sitting~~
39 ~~either on a panel or as a referee. A panel may consist of two or~~
40 ~~more members, a member and a case hearing representative, or~~

1 two case hearing representatives. Two members of a panel shall
2 constitute a quorum, and no action of the panel shall be valid
3 unless concurred in by a majority vote of those present.

4 (d) ~~When delegating its authority, the board may condition~~
5 ~~finality of the decision of the panel or referee to whom authority~~
6 ~~is delegated on concurrence of a member or members of the~~
7 ~~board. In determining whether, in any case, it shall delegate its~~
8 ~~authority and the extent of such delegation, the board shall take~~
9 ~~into account the degree of complexity of the issues presented by~~
10 ~~the case.~~

11 (e) ~~The board shall adopt rules under which a person under the~~
12 ~~jurisdiction of the Youth Authority or other persons, as specified~~
13 ~~in those rules, may appeal any decision of a case hearing~~
14 ~~representative. Any decision resulting in the extension of a parole~~
15 ~~consideration date shall entitle a ward to appeal the decision to a~~
16 ~~panel of at least two board members. The board shall consider~~
17 ~~and act upon the appeal in accordance with those rules.~~

18 SEC. 82. Section 1722 of the Welfare and Institutions Code is
19 repealed.

20 1722. (a) ~~Any rules and regulations, including any~~
21 ~~resolutions and policy statements, promulgated by the Youth~~
22 ~~Authority Board, shall be promulgated and filed pursuant to~~
23 ~~Chapter 3.5 (commencing with Section 11340) of Part 1 of~~
24 ~~Division 3 of Title 2 of the Government Code, and shall, to the~~
25 ~~extent practicable, be stated in language that is easily understood by~~
26 ~~the general public.~~

27 (b) ~~The board shall maintain, publish, and make available to~~
28 ~~the general public, a compendium of its rules and regulations,~~
29 ~~including any resolutions and policy statements, promulgated~~
30 ~~pursuant to this section.~~

31 (c) ~~The following exception to the procedures specified in this~~
32 ~~section shall apply to the board: The chairperson may specify an~~
33 ~~effective date that is any time more than 30 days after the rule or~~
34 ~~regulation is filed with the Secretary of State; provided that no~~
35 ~~less than 20 days prior to that effective date, copies of the rule or~~
36 ~~regulation shall be posted in conspicuous places throughout each~~
37 ~~institution and shall be mailed to all persons or organizations~~
38 ~~who request them.~~

39 SEC. 83. Section 1723 of the Welfare and Institutions Code is
40 amended to read:

1 1723. (a) ~~Except as provided in Section 1721, every~~ Every
2 order granting ~~and or~~ revoking parole ~~and or~~ issuing final
3 discharges to any person under the jurisdiction of the ~~Youth~~
4 ~~Authority division~~ shall be made by the ~~Youth Authority Board~~
5 ~~board~~ or its designee, as authorized by this article.

6 (b) All other powers conferred to the ~~Youth Authority Board~~
7 ~~board concerning wards under the jurisdiction of the division~~
8 may be exercised through subordinates or delegated to the
9 ~~Department of the Youth Authority division~~ under rules
10 established by the board. Any person subjected to an order of
11 those subordinates or of the ~~department division~~ pursuant to that
12 delegation may petition the board for review. The board may
13 review those orders under appropriate rules and regulations.

14 (c) All board designees shall be subject to the training required
15 pursuant to ~~subdivision (d) of Section 1717~~ Section 5075.6 of the
16 ~~Penal Code.~~

17 SEC. 84. Section 1725 of the Welfare and Institutions Code is
18 amended to read:

19 1725. The ~~Youth Authority~~ Board of Parole Hearings shall
20 succeed ~~to~~, and shall exercise and perform all powers and duties
21 ~~previously~~ granted to, exercised by, and imposed upon the
22 Youthful Offender Parole Board ~~and Youth Authority Board~~, as
23 authorized by this article. The Youthful Offender Parole Board ~~is~~
24 ~~and Youth Authority Board are~~ abolished.

25 SEC. 85. Section 1766 of the Welfare and Institutions Code is
26 amended to read:

27 1766. (a) When a person has been committed to the
28 ~~Department of the Youth Authority, the Youth Authority Board~~
29 ~~Department of Corrections and Rehabilitation, Division of Youth~~
30 ~~Operations, the Board of Parole Hearings~~ may, according to
31 standardized review and appeal procedures established by the
32 board in policy and regulation and subject to the powers and
33 duties enumerated in subdivision (a) of Section 1719 *do any of*
34 *the following*:

35 (1) Permit the ward his or her liberty under supervision and
36 upon conditions it believes are best designed for the protection of
37 the public.

38 (2) Order his or her confinement under conditions it believes
39 best designed for the protection of the public pursuant to the
40 purposes set forth in Section 1700, except that a person

1 committed to the ~~Youth Authority~~ *division* pursuant to Sections
2 731 or 1731.5 may not be held in physical confinement for a total
3 period of time in excess of the maximum periods of time set forth
4 in Section 731. Nothing in this subdivision limits the power of
5 the board to retain the minor or the young adult on parole status
6 for the period permitted by Sections 1769, 1770, and 1771.

7 (3) Order reconfinement or renewed release under supervision
8 as often as conditions indicate to be desirable.

9 (4) Revoke or modify any parole or disciplinary appeal order.

10 (5) Modify an order of discharge if conditions indicate that
11 such modification is desirable and when that modification is to
12 the benefit of the person committed to the ~~authority~~ *division*.

13 (6) Discharge him or her from its control when it is satisfied
14 that discharge is consistent with the protection of the public.

15 (b) Within 60 days of intake, the ~~department~~ *division* shall
16 provide the court and the probation department, with a treatment
17 plan for the ward.

18 (c) A ward shall be entitled to an appearance hearing before a
19 ~~review panel of Youth Authority Board members~~ *panel of board*
20 *commissioners* for any action that would result in the extension
21 of a parole consideration date pursuant to subdivision ~~(e)~~ of
22 ~~Section 1721~~ *(d) of Section 5076.1 of the Penal Code*.

23 (d) The department shall promulgate policies and regulations
24 to implement this section.

25 (e) Commencing on July 1, 2004, and annually thereafter, for
26 the preceding fiscal year, the department shall collect and make
27 available to the public the following information:

28 (1) The total number of ward case reviews conducted by the
29 ~~department and the Youth Authority Board~~ *division and the*
30 *board*, categorized by guideline category.

31 (2) The number of parole consideration dates for each
32 category set at guideline, above guideline, and below guideline.

33 (3) The number of ward case reviews resulting in a change to
34 a parole consideration date, including the category assigned to
35 the ward, the amount of time added to or subtracted from the
36 parole consideration date, and the specific reason for the change.

37 (4) The percentage of wards who have had a parole
38 consideration date changed to a later date, the percentage of
39 wards who have had a parole consideration date changed to an

1 earlier date, and the average annual time added or subtracted per
2 case.

3 (5) The number and percentage of wards who, while confined
4 or on parole, are charged with a new misdemeanor or felony
5 criminal offense.

6 (6) Any additional data or information identified by the
7 department as relevant.

8 (f) As used in subdivision (e), the term “ward case review”
9 means any review of a ward that changes, maintains, or
10 appreciably affects the programs, treatment, or placement of a
11 ward.

12 SEC. 86. Section 1798 of the Welfare and Institutions Code is
13 amended to read:

14 ~~1798. An advisory commission shall be established which~~
15 ~~shall be known as the State Commission on Juvenile Justice,~~
16 ~~Crime and Delinquency Prevention. The members of the~~
17 ~~commission shall be persons with a demonstrated interest in~~
18 ~~juvenile justice or crime and delinquency prevention issues, or~~
19 ~~representatives of youth groups or other public and private~~
20 ~~agencies with a focus on the needs of youth. The commission~~
21 ~~shall not exceed 16 members, one of whom shall be appointed by~~
22 ~~the Senate Rules Committee, one of whom shall be appointed by~~
23 ~~the Speaker of the Assembly, and four of whom shall be~~
24 ~~chairpersons of the regional citizens' advisory committees~~
25 ~~established pursuant to Section 1798.5. The remaining 10~~
26 ~~commission members shall be appointed by the Director of the~~
27 ~~Youth Authority, and shall include one public defender and one~~
28 ~~district attorney who are currently assigned to juvenile justice~~
29 ~~duties. As of July 1, 2005, the State Commission on Juvenile~~
30 ~~Justice, Crime and Delinquency Prevention is abolished.~~

31 ~~The commission shall advise the Director of the Youth~~
32 ~~Authority on matters relating to this article, and its activities shall~~
33 ~~include the inspection of Youth Authority facilities, providing~~
34 ~~advice to the director regarding department programs and~~
35 ~~delinquency prevention funding, and acting as a liaison between~~
36 ~~the Youth Authority and the public. The members of the~~
37 ~~commission shall be entitled to their reasonable expenses,~~
38 ~~including travel expenses, incurred in the discharge of their~~
39 ~~duties.~~

1 SEC. 87. Section 1798.5 of the Welfare and Institutions Code
2 is repealed.

3 ~~1798.5. The Director of the Youth Authority shall appoint~~
4 ~~four regional citizens' advisory committees each of which shall~~
5 ~~assist in the inspection of the Youth Authority facilities within its~~
6 ~~region and provide public comment to the director concerning the~~
7 ~~operations of the Youth Authority. The membership of the~~
8 ~~advisory committees shall be drawn from representatives of~~
9 ~~youth groups, county juvenile justice and delinquency prevention~~
10 ~~commissions, community-based organizations, charitable~~
11 ~~organizations, probation departments, the judiciary, social~~
12 ~~services, law enforcement, the defense bar, education, and the~~
13 ~~general public.~~

14 SEC. 88. Section 3150 of the Welfare and Institutions Code is
15 amended to read:

16 3150. (a) ~~There is in the Youth and Adult Correctional~~
17 ~~Agency a Narcotic Addict Evaluation Authority, hereafter~~
18 ~~referred to in this article as the "authority." The authority shall be~~
19 ~~composed of seven members, each of whom shall be appointed~~
20 ~~by the Governor, for a term of four years and until the~~
21 ~~appointment and qualification of his successor. Members shall be~~
22 ~~eligible for reappointment. The chairman of the authority shall be~~
23 ~~designated by the Governor from time to time. The terms of the~~
24 ~~members first appointed to the authority shall expire as follows:~~
25 ~~one on January 15, 1965, one on January 15, 1966, one on~~
26 ~~January 15, 1967, and one on January 15, 1968. The terms of the~~
27 ~~three members first appointed to the authority pursuant to~~
28 ~~amendments to this section enacted at the 1979-80 Regular~~
29 ~~Session of the Legislature shall expire as follows: one on January~~
30 ~~15, 1983, one on January 15, 1984, and one on January 15, 1985.~~
31 ~~Their successors shall hold office for terms of four years, each~~
32 ~~term to commence on the expiration date of the term of the~~
33 ~~predecessor. The Governor shall fill every vacancy for the~~
34 ~~balance of the unexpired term. Insofar as practicable, persons~~
35 ~~appointed to the authority shall have a broad background in law,~~
36 ~~sociology, law enforcement, medicine, or education, and shall~~
37 ~~have a deep interest in the rehabilitation of narcotic addicts~~
38 *Commencing July 1, 2005, any reference to the Narcotic Addict*
39 *Evaluation Authority refers to the Board of Parole Hearings, any*
40 *reference to the chairperson of the authority is to the chair of the*

1 *board, and any reference to a member of the authority is to a*
2 *commissioner of the board.*

3 ~~(b) Each member of the authority shall devote such time to the~~
4 ~~duties of his or her office as required for performance of his or~~
5 ~~her duties and shall be entitled to an annual salary of nine~~
6 ~~thousand five hundred dollars (\$9,500) for attendance upon~~
7 ~~business of the authority. The chairman shall be entitled to an~~
8 ~~annual salary of ten thousand dollars (\$10,000). In addition, each~~
9 ~~member shall be allowed actual expenses incurred in the~~
10 ~~discharge of his duties, including travel expenses.~~

11 ~~(e) The authority shall maintain its headquarters at the~~
12 ~~California Rehabilitation Center and shall be provided with~~
13 ~~necessary office space, equipment and services from funds~~
14 ~~appropriated to the California Rehabilitation Center.~~

15 ~~(d) The authority shall meet at the center or its branches at~~
16 ~~such times as may be necessary for~~

17 ~~(b) The board shall conduct a full and complete study of the~~
18 ~~cases of all patients who are certified by the Director of~~
19 ~~Corrections to the authority Secretary of the Department of~~
20 ~~Corrections and Rehabilitation to the board as having recovered~~
21 ~~from addiction or imminent danger of addiction to such an extent~~
22 ~~that release in an outpatient status is warranted. Other times and~~
23 ~~places of meetings may also be fixed by the authority. Where the~~
24 ~~authority performs its functions by meeting en banc in either~~
25 ~~public or executive sessions to decide matters of general policy,~~
26 ~~at least three members shall be present, and no such action shall~~
27 ~~be valid unless it is concurred in by a majority vote of those~~
28 ~~present. The authority may meet and transact business in panels.~~
29 ~~Each authority panel shall consist of at least two members of the~~
30 ~~authority. Two members of the authority shall constitute a~~
31 ~~quorum for the transaction of business of a panel. No action shall~~
32 ~~be valid unless concurred in by a majority of the members~~
33 ~~present.~~

34 ~~(e)–~~

35 ~~(c) Members of other similar boards may be assigned to hear~~
36 ~~cases and make recommendations to the authority. Such board~~
37 ~~on these matters. Those recommendations shall be made in~~
38 ~~accordance with policies established by a majority of the total~~
39 ~~membership of the authority board.~~

1 SEC. 89. Section 3151 of the Welfare and Institutions Code is
2 amended to read:

3 3151. ~~After Commencing July 1, 2005, after~~ an initial period
4 of observation and treatment, and subject to the rules and policies
5 established by the ~~Director of Corrections~~ *secretary*, whenever a
6 person committed under Article 2 or Article 3 of this chapter has
7 recovered from his addiction or imminent danger of addiction to
8 such an extent that, in the opinion of the ~~Director of Corrections~~
9 *secretary*, release in an outpatient status is warranted, the ~~director~~
10 *secretary* shall certify ~~such that~~ fact to the ~~authority board~~. If the
11 ~~director secretary~~ has not so certified within the preceding 12
12 months, in the anniversary month of the commitment of any
13 person committed under this chapter his case shall automatically
14 be referred to the ~~authority board~~ for consideration of the
15 advisability of release in outpatient status. Upon ~~any such~~
16 certification by the ~~director or such secretary or upon~~ automatic
17 certification, the ~~authority board~~ may release ~~such the~~ person in
18 an outpatient status subject to all rules and regulations adopted
19 by the ~~authority board~~, and subject to all conditions imposed by
20 the ~~authority board~~, whether of general applicability or restricted
21 to the particular person released in outpatient status, and subject
22 to being retaken and returned to inpatient status as prescribed in
23 ~~such those~~ rules, regulations, or conditions. The supervision of
24 ~~such those~~ persons while in an outpatient status shall be
25 administered by the ~~Department of Corrections. Such~~
26 ~~department. Those persons are not subject to the provisions of~~
27 ~~Penal Code Section 2600 of the Penal Code.~~

28 A single ~~member of the authority may~~ *commissioner of the*
29 *board may*, by written or oral order, suspend the release in
30 outpatient status of ~~such~~ a person and cause him *or her* to be
31 retaken, until the next meeting of the ~~authority board~~. The
32 written order of any ~~member of the authority commissioner~~ shall
33 be a sufficient warrant for any peace officer to return ~~such~~
34 persons to physical custody.

35 It is ~~hereby made~~ the duty of all peace officers to execute any
36 ~~such order under this section in like the same~~ manner as ordinary
37 criminal process.

38 SEC. 90. Section 3157 of the Welfare and Institutions Code is
39 repealed.

1 ~~3157. The Chairman of the Narcotic Addict Evaluation~~
2 ~~Authority shall have the authority of a head of a department set~~
3 ~~forth in subdivision (c) of Section 11181 of the Government~~
4 ~~Code to issue subpoenas as provided in Article 2 (commencing~~
5 ~~with Section 11180) of Chapter 2 of Division 3 of Title 2 of the~~
6 ~~Government Code. The authority shall adopt regulations on the~~
7 ~~policies and guidelines for the issuance of regulations.~~

8 SEC. 91. Section 3158 of the Welfare and Institutions Code is
9 amended to read:

10 3158. Notwithstanding Section 11425.10 of the Government
11 Code, Chapter 4.5 (commencing with Section 11400) of Part 1 of
12 Division 3 of Title 2 of the Government Code does not apply to a
13 release hearing or other adjudication concerning rights of a
14 person committed to the custody of the ~~Director of Corrections~~
15 ~~conducted by the Narcotic Addiction Evaluation Authority~~
16 *secretary by the board.*

17 SEC. 92. Section 3300 of the Welfare and Institutions Code is
18 amended to read:

19 3300. There is hereby established an institution and branches,
20 under the jurisdiction of the Department of Corrections *and*
21 *Rehabilitation*, to be known as the California Rehabilitation
22 Center. Branches may be established in existing institutions of
23 ~~the Department of Corrections or of the Department of the Youth~~
24 ~~Authority~~ *Department of Corrections and Rehabilitation,*
25 *Division of Adult Operations*, in halfway houses as described in
26 Section 3153, in such other facilities as may be made available
27 on the grounds of other state institutions, and in city and county
28 correctional facilities where treatment facilities are available.
29 Branches shall not be established on the grounds of such other
30 institutions in any manner which will result in the placement of
31 patients of such institutions into inferior facilities. Branches
32 placed in a facility of the State Department of Mental Health
33 shall have prior approval of the Director of Mental Health, and
34 branches placed in a facility of the State Department of
35 Developmental Services shall have the prior approval of the
36 Director of Developmental Services. ~~The branches in the~~
37 ~~Department of the Youth Authority shall be established on order~~
38 ~~of the Secretary of the Youth and Adult Correctional Agency and~~
39 ~~shall be subject to the administrative direction of the Director of~~
40 ~~the Youth Authority~~ *Commencing July 1, 2005, the branches in*

1 *the Department of Corrections and Rehabilitation, Division of*
2 *Youth Operations shall be established by order of the secretary,*
3 *and shall be subject to his or her administrative direction.*

4 Branches placed in city or county facilities shall have prior
5 approval of the legislative body of the city or county.

6 Persons confined pursuant to this section in branches
7 established in city and county correctional facilities shall be
8 housed separately from the prisoners therein, and shall be entitled
9 to receive treatment substantially equal to that which would be
10 afforded ~~such~~ *those* persons if confined in the main institution of
11 the California Rehabilitation Center.

12 SEC. 93. Section 3309 of the Welfare and Institutions Code is
13 amended to read:

14 ~~3309. The Director of Corrections~~ *Commencing July 1, 2005,*
15 *the Secretary of the Department of Corrections and*
16 *Rehabilitation* shall make rules and regulations for the
17 government of the community correctional centers in the
18 management of their affairs.

19 SEC. 94. This measure shall be operative as of July 1, 2005.